United Nations A/65/89

General Assembly

Distr.: General
12 July 2010

Original: English

Sixty-fifth session
Items 13, 27, 70, 107, 108, 109 and 117 of the preliminary list*

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Social development

Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance

Crime prevention and criminal justice

International drug control

Measures to eliminate international terrorism

Follow-up to the outcome of the Millennium Summit

Letter dated 8 July 2010 from the Chargé d'affaires a.i. of the Permanent Mission of Namibia to the United Nations addressed to the Secretary-General

I have the honour to transmit to you, on behalf of the Namibian Presidency of the Inter-Parliamentary Union, the text (in English and French) of the following four resolutions adopted by the 122nd Assembly of the Inter-Parliamentary Union Assembly (Bangkok, 1 April 2010) (see annex):

(a) Youth participation in the democratic process (item 27 of the preliminary list);

(b) The role of parliaments in developing South-South and triangular cooperation with a view to accelerating achievement of the Millennium Development Goals (items 13 and 117 of the preliminary list);

(c) Cooperation and shared responsibility in the global fight against organized crime, in particular drug trafficking, illegal arms sales, human trafficking and cross-border terrorism (corresponding to agenda items 107, 108 and 109 of the preliminary list of the sixty-fifth session of the General Assembly;

* A/65/50.

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(d) The role of parliaments in strengthening the solidarity of the international community towards the people of Haiti and Chile in the wake of devastating major disasters, and urgent actions required in all disaster-prone countries to improve disaster-risk assessment, prevention and mitigation (emergency item) (item 70 of the preliminary list).

I would be grateful if you could circulate the present letter and its annex as a document of the sixty-fifth session of the General Assembly under items 13, 27, 70, 107, 108, 109 and 117 of the preliminary list.

(*Signed*) Frieda N. **Ithete**
Chargé d'affaires a.i.

Annex to the letter dated 8 July 2010 from the Chargé d'affaires a.i. of Namibia addressed to the Secretary-General

[Original: English and French]

Resolutions adopted by the Inter-Parliamentary Union at its 122nd Assembly, held in Bangkok, 1 April 2010

YOUTH PARTICIPATION IN THE DEMOCRATIC PROCESS

Resolution adopted by consensus by the 122nd IPU Assembly (Bangkok, 1 April 2010)*

The 122nd Assembly of the Inter-Parliamentary Union,

Emphasizing the need to prevent and counter all forms of discrimination, including discrimination based on age, in accordance with the principle of non-discrimination enshrined in the Universal Declaration of Human Rights (1948),

Noting the UN World Youth Reports 2003, 2005 and 2007,

Also noting UN General Assembly resolutions 60/2 of 6 December 2005 (Policies and programmes involving youth), 62/126 of 18 December 2007 (Policies and programmes involving youth: youth in the global economy - promoting youth participation in social and economic development) and 64/134 of 18 December 2009 (Proclamation of 2010 as the International Year of Youth: Dialogue and Mutual Understanding),

Recognizing that children and young people are capable of forming their own views and should be assured the right to express those views freely in all matters affecting them, the views being given due weight in accordance with their age and maturity, as set forth in Article 12 of the Convention on the Rights of the Child (1989),

Also recognizing that implementation of the UN World Programme of Action for Youth and achievement of the Millennium Development Goals requires the full and effective participation of young people and youth-led organizations,

Declaring that achieving meaningful democracy requires the full and active participation of young people and youth organizations in democratic processes at the local, national, regional and international levels,

Stressing the importance of enhancing young people's awareness of and commitment to human rights and democracy, the promotion of intercultural dialogue and understanding in a spirit that is respectful of diversity, and the struggle against all forms of discrimination and all actions aimed at undermining democracy; and *considering* the importance of young people's contribution to social cohesion, especially their activities to combat exclusion and prevent the ills affecting them in particular,

Bearing in mind that youth participation promotes active citizenship, which should be considered as an opportunity for enhancing democracy and placing new issues on the political agenda,

Recognizing the positive impact that youth participation in the local, regional and global economy and in social and economic development can have on the eradication of poverty and hunger, and on socially unacceptable and/or deviant behaviour,

Also recognizing that while youth today are better placed than ever before to participate in and benefit from global development, many young people remain marginalized, disconnected or excluded from the opportunities that globalization offers,

Underscoring that the involvement of young people in public decision-making processes offers important opportunities for civic engagement, education and learning about government, thus strengthening young people's social responsibility and developing their communication capacities, negotiating skills and ability to resolve conflicts through peaceful means and critical thinking,

Aiming to maximize young people's contribution to the building of society, especially in all areas which concern them, to encourage new forms of youth participation and organization, and to train young people to assume responsibilities,

Reiterating the critical role of both formal education and non-formal learning in the empowerment of young people for democratic citizenship, and *recognizing* the importance of informal learning,

Highlighting the importance of creating the conditions for genuine dialogue and partnership between young people and local and national authorities,

Recognizing youth parliaments, national and local youth councils, or their equivalent bodies as effective channels of cooperation and information exchange between young people, parliaments, national governments, local councils and other decision-making bodies,

Mindful of the importance of solidarity and dialogue between generations,

Deeply concerned by young people's dwindling interest in formal political activity, including voting and party membership, and disenchantment with politicians and political parties, which is a real threat to the future of participatory democracy,

Recognizing that young people care deeply about their political communities, and in many cases are active participants in informal political activities, such as online activism, boycotts/buycotts and third-sector initiatives,

Taking into consideration the needs and aspirations of internally displaced young people and disabled young people,

1. *Calls on* all States to take appropriate steps, in accordance with the UN World Programme of Action for Youth, to develop holistic and integrated national youth policies in consultation with youth organizations;

2. *Invites* parliaments to set up, if they have not yet done so, specialized bodies entrusted with mainstreaming youth issues in parliament's work;

3. *Urges* parliaments to monitor the fulfilment of their respective government's obligations under the Convention on the Rights of the Child to ensure respect for children's right to be heard and express their views freely without any form of discrimination;

4. *Requests* parliaments to create the necessary platform for youth participation in the democratic process by providing a basic level of education that is equal for everyone, with the same opportunities for boys and girls;

5. *Invites* States, parliaments, parliamentarians, political parties, the IPU and youth organizations to encourage, promote and make more visible in all fields the initiative, enterprise and creativity of young people;

6. *Calls on* the IPU, parliaments, States and non-governmental organizations to scale up investments in youth and encourage youth-led contributions to parliamentary democracy through strong partnerships and financial support, and by keeping youth participation high on the political agenda;

7. *Also calls on* the IPU, parliaments, youth organizations and other relevant stakeholders to strengthen efforts aimed at achieving appropriate representation and participation of youth in decision-making bodies, bearing in mind that girls, boys, young women and young men are all entitled to the same rights;

8. *Invites* States and parliaments, as part of efforts to promote youth participation in decision-making, to ensure that youth representatives are included in national delegations to the UN General Assembly and other relevant UN meetings;

9. *Invites* the IPU, parliaments and States to identify the lines of action for youth participation on which they intend to concentrate, to define concrete measures and/or action plans for their implementation, to promote these plans with regional and local authorities, youth organizations and young people, and to cooperate closely with regional and local authorities in order to ensure the fullest possible implementation;

10. *Calls on* parliaments to ensure that young people with disabilities and those who are socially and economically underprivileged are afforded equal opportunities to participate fully in society;

11. *Encourages* the IPU and parliaments to develop tools to promote youth knowledge of and participation in the democratic process, including, but not limited to, guidelines for participatory mechanisms or interactive policy-making forums;

12. *Calls on* parliaments to promote youth awareness of and participation in the political process by using modern information and communication technologies (ICTs) to reach out to young people and increase access to information on the democratic process;

13. *Calls on* parliaments to develop practical measures (such as the possible introduction of quotas for young people) to increase the participation of young people in parliament and other representative bodies, while respecting the values of human dignity, freedom, democracy and equality;

14. *Recommends* that parliaments align the minimum voting age with the minimum age of eligibility to run for office in order to ensure greater participation by youth in parliaments;

15. *Urges* States, parliaments, parliamentarians, political parties, the IPU and youth organizations to promote greater participation by girls and young women by taking measures aimed at promoting role models and facilitating better reconciliation of work and family life;

16. *Invites* States, parliaments, parliamentarians, political parties, the IPU and youth organizations to open up "adult institutions" and administrative bodies, particularly those with planning responsibilities, to young people's representatives and establish links between these institutions and young people in a spirit of complementarity and joint decision-making;

17. *Calls on* States, parliaments, parliamentarians, political parties, the IPU and youth organizations to take targeted action to enhance the participation of young people in political parties and elections at the local, national and regional levels;

18. *Requests* parliaments to provide political and financial support, notably adequate operating budgets, to form strong youth parliaments, youth councils or equivalent bodies and to strengthen existing ones, thus providing further opportunities for more young people to become active in decision-making and in shaping their societies;

19. *Urges* States to make instruction in democracy and civics an integral part of the compulsory school curriculum;

20. *Encourages* States to ensure adequate funding for formal education and non-formal learning, including programmes aimed at fostering the acquisition of the skills required for the democratic participation of youth;

21. *Invites* States to promote student participation, initiative and creativity as valuable resources in teaching, learning and other school activities, and to stimulate active citizenship via the education system;

22. *Also invites* States to create all the necessary conditions to form student councils in schools through which students can acquire valuable first-hand experience in decision-making;

23. *Encourages* States to ensure special training for teachers and other persons working with children and youth in youth participation and to implement best practices in the field of youth participation;

24. *Urges* States to remove the social, economic and cultural barriers affecting young women and to ensure they have equal access to education and vocational training at all levels in order to provide them with equal opportunities for full participation in society, especially political participation;

25. *Encourages* States to introduce gender-sensitive compulsory education for young men and young women in order to nurture their awareness of gender issues, the problem of low rates of democratic participation by women, and the need to actively support women's democratic participation;

26. *Encourages* States to support voluntary service by youth and internship programmes at all levels, whether locally, nationally or internationally, to recognize and evaluate the skills and knowledge gained through these activities, and, in particular, to promote the participation of young people who feel excluded from voluntary activities;

27. *Recommends* that States develop national ICT strategies to overcome the barriers of distance and socio-economic disadvantage and ensure that young people are equipped with the knowledge and skills they need to use ICTs appropriately, while also promoting the involvement of young people in public debates and the development of policy through ICTs, remembering that such digital tools are not necessarily a panacea for youth's disenchantment with formal politics and should be viewed as one of many means that can be used to engage youth in democracy;

28. *Calls on* parliaments to establish and promote coherent, overarching youth information strategies which, in a youth-friendly way, address all issues relevant to young people, to develop special web-based information and information centres for young people, and to facilitate access to information for young people with fewer opportunities;

29. *Invites* States to set up contact points for young people in ministries and other government agencies so as to provide young people with information, listen to their problems, offer advice and encourage them in their quest for services and participation;

30. *Encourages* political parties to increase the number of young people in their membership and enhance young members' participation in party life and decision-making;

31. *Invites* parliaments to facilitate the meaningful participation of young people in issues that affect them through consultation processes when drafting laws and during parliamentary hearings, to ensure that they contribute to debates on policy- and law-making, resource allocation, and parliament's efforts to hold government to account;

32. *Calls on* the IPU and its Member Parliaments to form caucuses of young parliamentarians in order to promote youth participation, making young persons in politics more visible and reflecting the youth perspective in the political agenda;

33. *Encourages* parliamentarians and appointed officials at all levels to give maximum support to young parliamentarians and young appointed officials, thus helping to create a youth-friendly and accessible environment;

34. *Requests* the IPU to consult, as appropriate, with youth-led and youth-focused organizations to ensure that youth inputs are duly shared with IPU bodies during their deliberations;

35. *Welcomes* the participation of young members of parliament in national parliamentary delegations and *urges* IPU Member Parliaments to systematically include young members of parliament in their delegations to IPU Assemblies and other IPU meetings;

36. *Urges* the IPU and its Member Parliaments to collect, on a continuous basis, youth-specific data disaggregated by age and sex in order to create comprehensive databases related to youth and young parliamentarians, and to devise the means of disseminating such data widely with a view to ensuring that interest in youth development is informed by sound and accurate data and to developing, assessing and disseminating best practices in democracy education and youth participation;

37. *Requests* the IPU to incorporate youth participation into its activities along the lines of the measures that have been taken to promote women's participation;

38. *Urges* the IPU to establish mechanisms for monitoring, analysing, evaluating and exchanging information on parliamentary action in the context of the promotion and implementation of youth participation;

39. *Encourages* the IPU to launch a project for youth to be implemented in partnership with the UN Programme on Youth, which is part of the UN Division for Social Policy and Development (DSPD), and the International Institute for Democracy and Electoral Assistance (IDEA).

* *The delegation of India expressed its opposition to paragraph 14 of the resolution.*

THE ROLE OF PARLIAMENTS IN DEVELOPING SOUTH-SOUTH AND TRIANGULAR COOPERATION WITH A VIEW TO ACCELERATING ACHIEVEMENT OF THE MILLENNIUM DEVELOPMENT GOALS

Resolution adopted by consensus by the 122nd IPU Assembly*
(Bangkok, 1 April 2010)

The 122nd Assembly of the Inter-Parliamentary Union,

Deeply concerned about the adverse impact of the international economic and financial crisis on the most vulnerable nations and sectors of the global community and on the achievement of the Millennium Development Goals (MDGs) in 2015,

Bearing in mind that the current financial and economic crisis has its origins in developed countries, and that a broad international dialogue, conducted under United Nations auspices with the active participation of all countries, is required to lead the world on the path of economic and social recovery,

Concerned that, according to the forecasts of the International Monetary Fund, the World Bank and regional development banks, foreign direct investment in and remittances to developing countries, especially in Africa, will have declined dramatically in 2009-2010,

Underscoring the importance of increased financing for development, including the need to meet the long-standing target of 0.7 per cent of gross national product (GNP) for official development assistance (ODA) to developing countries, of wider and deeper debt relief to developing countries, and of ongoing efforts aimed at identifying additional, innovative sources of financing for South-South and triangular cooperation,

Noting **that, although ODA from OECD-DAC countries (Organisation for Economic Development and Co-operation-Development Assistance Committee) rose by 10 per cent in real terms in 2008 (after an 8.5 per cent decline in 2007), it probably declined again in 2009, owing to the economic crisis,**

Recalling **that MDG 8 (Develop a global partnership for development) calls for an open, non-discriminatory trading and financial system that includes a commitment to good governance, development and poverty reduction, both nationally and internationally,**

Noting **that, according to the UN Secretary-General, important progress has been made towards all eight MDGs, but the world community is not on track to fulfil its commitments, especially in sub-Saharan Africa,**

Recalling **UN General Assembly resolution 58/220 of 23 December 2003 (Economic and technical cooperation between developing countries), which proclaims 19 December United Nations Day for South-South Cooperation,**

Taking note **of the Ministerial Declaration adopted by the Ministers of Foreign Affairs of the Group of 77 at their Twenty-seventh Annual Meeting, held in New York on 25 September 2003, in which they once again underscored the importance and increased relevance of South-South cooperation,**

Noting **the G20 Summit held on 2 April 2009 in London and its willingness to boost the global economy, in particular by disbursing US$ 50 billion to developing countries to counteract the economic and social effects of the crisis and thereby strengthen human development in those countries,**

Recalling **the relevant IPU resolutions, in particular those adopted at the 92nd Inter-Parliamentary Conference (Copenhagen, 1994) on *International co-operation and national action to support social and economic development and efforts to combat poverty*, the 104th Inter-Parliamentary Conference (Jakarta, 2000) on *Financing for development and a new***

paradigm of economic and social development designed to eradicate poverty, the 107th Inter-Parliamentary Conference (Marrakech, 2002) on *The role of parliaments in developing public policy in an era of globalisation, multilateral institutions and international trade agreements*, the 112th IPU Assembly (Manila, 2005) on *The role of parliaments in establishing innovative international financing and trading mechanisms to address the problem of debt and achieve the Millennium Development Goals*, the 115th IPU Assembly (Geneva, 2006) on *The role of parliaments in overseeing the achievement of the Millennium Development Goals, in particular with regard to the problem of debt and the eradication of poverty and corruption*, the 118th IPU Assembly (Cape Town, 2008) on *Parliamentary oversight of State policies on foreign aid* and the 120th IPU Assembly (Addis Ababa, 2009) on *The role of parliaments in mitigating the social and political impact of the international economic and financial crisis on the most vulnerable sectors of the global community, especially in Africa*,

Deeply concerned that climate change poses risks that may unravel many advances in reducing poverty, compounding the negative consequences of the economic crisis,

Welcoming the outcome document of the Eleventh session of the United Nations Conference on Trade and Development (UNCTAD XI), which salutes the important role of parliaments in international development cooperation,

Recalling the reports of the UN Secretary-General entitled *The state of South-South cooperation* (23 August 2007 and 24 August 2009) and *Promotion of South-South cooperation for development: a thirty-year perspective* (27 October 2009),

Considering that the outcome document of the High-Level United Nations Conference on South-South-Cooperation, held in Nairobi from 1 to 3 December 2009, fails to mention the positive role that parliaments can and should play to develop South-South cooperation and make it more efficient,

Underscoring that in a globalized world, South-South and triangular cooperation are more important than ever to achieve sustainable development in developing countries, given that economic development, social progress and environmental protection are interdependent and mutually reinforcing goals,

Recalling that the South has a number of success stories, best practices and lessons learned in addressing major development challenges, such as microfinance, which have brought about a profound societal transformation in many countries, such as Bangladesh,

Aware that South-South cooperation has a long history (the UNDP Special Unit for South-South Cooperation was established in the late 1970s) and an essential role to play in developing countries,

Convinced that organizations within the UN system, due to their universal membership, neutrality and political independence, represent essential vehicles to catalyse, support and strengthen South-South cooperation,

Recalling that financing for development, as set forth in the Monterrey Consensus, is about tapping all available resources, not only development assistance and debt relief, but also financing from domestic resources, fair trade, foreign investment and remittances, all of which are all complementary,

Noting the growing volume of ODA flows from southern contributors, and *observing* a lack of accessible and comprehensive information on these flows,

Considering that there is a need for standards, rules and regulatory frameworks that are able to enhance South-South cooperation, as well as for methodologies for gathering information on South-South flows of assistance and other forms of cooperation,

Noting that the private sector, civil society actors and individuals are assuming a new and dynamic role in South-South cooperation,

Underscoring that achieving the internationally agreed development goals will not be possible without progress on gender equality and women's empowerment,

Emphasizing that women are active and successful in building South-South non-governmental networks for improving their status and addressing major economic, social, environmental and political concerns,

Noting that the agenda for South-South cooperation has expanded significantly to include not only economic and technical cooperation, but also good governance, health and disease control, environmental issues and transnational security threats,

Also noting that capacity-building programmes in the framework of South-South cooperation have made a significant contribution to the achievement of the MDGs,

Strongly concerned that some donor countries tend to make light of the weakness of democratic governance in beneficiary countries in order to acquire their natural resources,

Noting that OECD donor countries have partnered with middle-income developing countries to provide development assistance to the least developed countries,

Considering that the rationale underlying triangular development cooperation is that southern countries, which are still themselves developing, are better placed and have the relevant experience to respond to the needs and problems of other developing countries,

Underscoring that triangular development cooperation programmes can be more cost effective,

Considering that regional integration is an essential process which can overcome, by common accord, political, physical, economic and social barriers that divide countries from their neighbours and foster collaboration leading to economic growth, expansion of regional trade and investment, management of shared resources, regional public goods and climate change, and the prevention of disasters,

Stressing in this respect that regional and subregional organizations play a prominent role in conflict prevention, peacekeeping and peacebuilding and are important partners of the United Nations in promoting international peace and security,

Also stressing that South-South cooperation and integration are highly complementary to North-South cooperation, along with regional integration among developing countries,

Considering that regional initiatives such as the New Partnership for Africa's Development (NEPAD), the New Asian-African Strategic Partnership (NAASP) and the Pacific Plan may further enhance regional cooperation with a view to meeting development, democracy, good governance and security challenges,

Aware that no single model of regional integration can be imposed since all integration strategies have to be adapted to particular interests and circumstances, but that general features can nonetheless be identified which impede or foster integration processes,

1. *Calls on* Northern and Southern parliaments and governments to support and develop South-South and triangular cooperation as an important tool to achieve the MDGs;

2. *Invites* Southern and Northern parliaments and governments to align their South-South cooperation agenda with the MDGs;

3. *Urges* Southern parliaments and governments to see to it that the funds allocated to MDG-related programmes and sectors are effectively used for these programmes;

4. *Invites* Southern parliaments and governments to implement the results of the successive South summits;

5. *Also invites* Southern parliaments and governments to take legislative or other initiatives in support of South-South cooperation efforts that foster achievement of the MDGs;

6. *Recommends* that donor parliaments and governments, in addition to traditional bilateral and multilateral aid flows, contribute to the United Nations Fund for South-South Cooperation to ensure sufficient funding for South-South projects and initiatives;

7. *Urges* parliaments to ask their governments to ensure that future UN documents on South-South cooperation make due mention of the important role that parliaments have to play in fostering South-South cooperation and making it more efficient;

8. *Calls on* the United Nations, working with other global institutions, to establish an effective mechanism to monitor, discuss and evaluate the progress and delivery of the commitments made by the international community in support of South-South and triangular cooperation for development, while ensuring they are oriented towards achieving the MDGs;

9. *Invites* the UN and its specialized agencies, such as UNDP and UNCTAD, to enhance the efficiency and effectiveness of South-South cooperation by better coordinating and streamlining the various institutions, initiatives and guidelines dealing with it, especially within the UN system;

10. *Invites* Northern parliaments and governments to ensure that a substantial part of development assistance serves to promote South-South and triangular cooperation;

11. *Recommends* that Northern parliaments require their governments to allocate a substantial part of their ODA to triangular cooperation mechanisms which, besides being more cost effective, allow successful Southern donor countries to share their experiences and best practices;

12. *Urges* Southern donor parliaments and governments to develop good practices concerning South-South ODA and cooperation, taking into consideration, among others, the Paris Declaration on Aid Effectiveness and the Accra Agenda for Action;

13. *Invites* Southern donor governments to renounce tied aid in favour of other forms of support that fully take into account the needs of the recipient countries and are in line with their national development strategies;

14. *Also invites* donor and beneficiary country parliaments and governments to put in place consistent and transparent accounting of both North-South and South-South ODA flows, and of other forms of cooperation, including in-kind contributions and shared natural and knowledge resources;

15. *Recommends* that Northern and Southern parliaments increase oversight of their South-South and triangular cooperation activities;

16. *Requests* Southern parliaments to strengthen mechanisms to oversee government implementation of development plans and programmes and regional and subregional agreements that focus specifically on the MDGs;

17. *Invites* Southern parliaments and governments to analyse how South-South approaches can be applied to development issues and how policies and projects that have succeeded in reducing poverty in some developing countries could be replicated elsewhere to accelerate achievement of the MDGs;

18. ***Also invites*** **Southern parliaments and governments to conclude the São Paulo round of negotiations of the Global System of Trade Preferences among Developing Countries (GSTP), which has the potential to generate significant additional trade flows;**

19. ***Calls on*** **Northern and Southern countries that are in a position to comply to give duty-free and quota-free market access to all exports from the least developed countries, including the 3 per cent of tariff lines that are currently covered by the tariff line exclusion (with the exception of arms);**

20. ***Invites*** **Southern parliaments and governments to improve the platforms for exchanging views among developing countries on South-South cooperation, flows of trade and direct investments in order to coordinate their actions in these areas;**

21. ***Encourages*** **Northern parliaments and governments to make Aid for Trade available for enhancing South-South cooperation;**

22. ***Invites*** **Northern parliaments to encourage their governments to urge multilateral institutions, such as the Bretton Woods institutions and regional development banks, to develop and foster the implementation of programmes that promote trade and investment between countries of the South;**

23. ***Encourages*** **Southern parliaments and governments to actively promote South-South investment and technology transfers by ensuring a secure and stable investment environment, thereby reducing transactions costs and enhancing legal security;**

24. ***Invites*** **parliaments to actively support South-South non-governmental networks created by women for improving their status and addressing major economic, social, environmental and political concerns;**

25. ***Calls*** **on both Northern and Southern parliaments to step up their support for the parliamentary structures of regional organizations in order to consolidate the regional integration and cooperation required to achieve the MDGs;**

26. ***Invites*** **parliaments and governments to recapitalize Southern regional development banks in order to help establish or develop regional development funds;**

27. ***Also invites*** **Southern parliaments and governments to develop South-South regional cooperation in order to manage regional public goods, including water resources, ecological assets such as cross-border forest basins or natural reserves and cross-border energy resources, and control disease more efficiently;**

28. ***Encourages*** **Southern regional and national parliaments to hold their governments to account for their efforts to achieve the MDGs through South-South cooperation mechanisms and *requests* that the oversight capacity of these parliaments be strengthened in this respect;**

29. ***Also encourages*** **regional and subregional parliaments to promote and immediately initiate an exchange of information and best practices on South-South and triangular cooperation strategies and initiatives, and *also invites* governments to facilitate such exchanges in cooperation with national parliaments and the UN system;**

30. ***Urges*** **Northern donor parliaments to ensure that their governments honour ODA commitments, despite the economic crisis, given the importance of predictable aid flows for the realization of South-South and triangular cooperation;**

31. ***Urges*** **parliaments to oversee implementation of the present resolution and government action to implement the recommendations of the United Nations High-level Committee on South-South Cooperation.**

* ***The delegation of Iran (Islamic Republic of) expressed reservations on preambular paragraph 24 in relation to the concept of "gender equality".***

COOPERATION AND SHARED RESPONSIBILITY IN THE GLOBAL FIGHT AGAINST ORGANIZED CRIME, IN PARTICULAR DRUG TRAFFICKING, ILLEGAL ARMS TRAFFICKING, TRAFFICKING IN PERSONS AND CROSS-BORDER TERRORISM

Resolution adopted by consensus by the 122nd IPU Assembly*
(Bangkok, 1 April 2010)

The 122nd Assembly of the Inter-Parliamentary Union,

Cognizant of the fact that while globalization fosters many positive advancements, interdependence between States and the opening of borders, it also has a negative effect, that of facilitating transnational organized crime, in particular drug trafficking, illegal arms trafficking, trafficking in persons, cross-border terrorism and money laundering, and that this requires the implementation of relevant international and domestic legal instruments,

Recalling that 2010 marks the tenth anniversary of the adoption of the United Nations Convention against Transnational Organized Crime and of its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,

Recalling United Nations General Assembly resolution 63/194 of 18 December 2008 (Improving the coordination of efforts against trafficking in persons) and Human Rights Council resolution 11/3 of 17 June 2009 (Trafficking in persons, especially women and children),

Also recalling the resolution of the 118th IPU Assembly (Cape Town, 2008), on *The role of parliaments in striking a balance between national security, human security and individual freedoms, and in averting the threat to democracy*,

Recalling the resolutions on combating terrorism adopted by the IPU at its 108th Conference (Santiago de Chile, 2003) and its 111th (Geneva, 2004), 115th (Geneva, 2006) and 116th (Bali, 2007) Assemblies,

Aware that drug trafficking is one of the principal illicit activities worldwide, that it constitutes a serious threat to the global community, and that, when compounded by drug abuse, it is not only harmful to the stability and integrity of the world, but also adversely affects the health of human beings and the security of families, communities and society at large, and hinders development plans and the achievement of the Millennium Development Goals (MDGs) in different countries,

Convinced that any effort to effectively combat the trafficking of agriculturally produced drugs must incorporate a reduction in the amount of land cultivated for that purpose, and that this goal implies the implementation of incentive programmes for alternative crop cultivation,

Aware that trafficking in persons is a modern form of slavery and a human rights violation affecting men, women and children worldwide, that certain practices, negative attitudes and maltreatment of trafficked victims persist and that the well-being of these vulnerable groups is further threatened by the global financial and economic downturn and new forms of transnational organized crime,

Recognizing that migrant smuggling is often facilitated by organized crime networks, generating huge profits for the smugglers while exposing irregular migrants to serious personal risks and making them vulnerable to trafficking in persons,

Recognizing the nexus between drug trafficking, corruption and other forms of organized crime, including trafficking in persons, trafficking in arms, cybercrime, cross-border terrorism, money laundering and the financing of terrorism,

Considering that illegal arms trafficking contributes to conflict, the displacement of persons, crime and terrorism, thereby undermining global peace, safety and security,

Recalling that in its resolution 64/48 of 2 December 2009, the United Nations General Assembly decided to convene an international conference on the arms trade treaty in 2012 to elaborate a legally binding instrument on the highest possible common international standards for the transfer of conventional arms,

Mindful that the phenomenon of cross-border terrorism continues to represent a substantial threat to peace and security in the world, and continues to endanger political institutions, economic stability and the welfare of nations,

Recognizing the significant challenges faced by law enforcement and judicial authorities in responding to the ever changing means used by transnational criminal organizations, including the increasing use of the Internet, global positioning system (GPS) techniques and other geographical information systems, to avoid detection and prosecution,

Appreciating the positive roles of the IPU, governments, non-governmental organizations and international organizations in joint parliamentary activities to combat transnational organized crime, such as drafting stringent legislative measures to combat the financing of terrorism and cross-border terrorism, and implementing the parliamentary measures set forth in the joint IPU-United Nations Office on Drugs and Crime (UNODC) publication, *Combating Trafficking in Persons: A Handbook for Parliamentarians*,

1. *Fully affirms* the strong determination and clear commitment of IPU Member Parliaments to strengthen and harmonize drug-related laws, regulations and additional measures, pursue strong regional cooperation to combat drug trafficking. within the framework of international cooperation, with international legal instruments on drugs, and enhance the technical capability of law enforcement and judicial authorities;

2. *Reaffirms* the strong determination of IPU Member Parliaments to strengthen laws against corruption and transnational organized crime and *calls upon* States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime and the Protocols thereto as a matter of priority and to fully implement their provisions;

3. *Also reaffirms* its unwavering commitment to ensure that all aspects of laws on drugs and organized crime are in full conformity with the purposes and principles of the Charter of the United Nations, international law and the Universal Declaration of Human Rights;

4. *Also reaffirms* its unwavering commitment to intensify efforts to counter the illicit cultivation, production, manufacture, sale, abuse, transit, trafficking and distribution of narcotic drugs and psychotropic substances, especially heroin, cocaine and its derivatives, amphetamine-type stimulants (ATS), the diversion of precursor chemicals, misuse of pharmaceutical medicines and preparations as well as drug-related criminal activities, through a balanced, comprehensive, sustainable and gender-sensitive approach;

5. *Agrees* to develop and strengthen partnerships and cooperation mechanisms for combating drug trafficking on the international, regional and bilateral levels, and to ensure that these mechanisms are effective and achieve their goals;

6. *Decides* to intensify joint parliamentary efforts to share best practices and experiences in combating drug trafficking and developing national laws that comply with international standards and uphold the rule of law;

7. *Calls on* countries where agriculturally produced drugs are made and consumed to cooperate with a view to developing and implementing assistance programmes for the farmers concerned in order to encourage them to turn to alternative crop cultivation in economically viable conditions;

8. *Encourages* parliaments to mainstream gender equality concerns in all legislation and oversight practices (including the formulation, enforcement and monitoring of laws and budgets) to ensure that women and children are protected from all forms of abuse and that they are provided with legal, medical and other forms of assistance;

9. *Invites* IPU Member Parliaments to ensure that international cooperation actions and measures are enhanced and strengthened by way of technical assistance to agents in charge of combating organized crime;

10. *Calls on* IPU Member Parliaments to foster dialogue and cooperation with a view to developing and harmonizing efforts to combat the production, abuse and trafficking of illicit drugs and counterfeit medicines, and the misuse of drugs, noting that enhanced technological capabilities enable counterfeiters to produce drugs and packaging that can barely be distinguished from the original product;

11. *Calls on* parliaments to urge their respective governments to tighten controls of goods passing through their territory;

12. *Urges* IPU Member Parliaments to support tax exemption and other initiatives in respect of products grown or produced by alternative development projects on lands formerly devoted to the production of illicit drugs, and for individuals and private-sector companies that contribute to such projects or other drug control activities, in compliance with World Trade Organization rules and regulations, as incentives to combat the drug menace;

13. *Encourages* IPU Member Parliaments to support national efforts against illegal arms trafficking and, where appropriate, strengthen national laws in this regard;

14. *Also encourages* IPU Member Parliaments to support and participate in the development of a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms, building on arms transfer principles already established in existing regional and multilateral arms control agreements;

15. *Invites* the IPU to seriously discuss the possibility of harmonizing laws on trafficking in persons in each country to ensure compatibility and seamless cooperation in order to combat trafficking in persons;

16. *Also invites* IPU Member Parliaments to be more proactive in combating trafficking in persons and other forms of exploitation such as child pornography, by drawing up and implementing a comprehensive work plan and laws that are consistent with international standards, criminalize trafficking and other forms of exploitation and include prevention, protection and assistance measures;

17. *Calls on* IPU Member Parliaments to heighten public awareness, including through enhanced cooperation with civil society, to promote cooperation in the fight against trafficking in persons, to tackle the root causes of the problem such as poverty, gender inequality, oppression, lack of human rights protection, and lack of social or economic opportunities, and to enhance awareness by the competent authorities of the need to preserve the human rights of trafficked victims and their families, taking into account the special needs of women and children;

18. *Calls on* parliaments to encourage governments to tighten entry and exit controls of children and to monitor adoptions and the activities of associations and non-governmental organizations working with minors;

19. *Encourages* IPU Member Parliaments, in line with the Recommended Principles and Guidelines on Human Rights and Human Trafficking of the Office of the High Commissioner for Human Rights, to support the establishment up of mechanisms to monitor the human rights impact of anti-trafficking laws, policies, programmes and interventions;

20. *Also encourages* States to protect the victims of trafficking in persons by establishing rehabilitation programmes that also comprise medical and psychological care, social and legal assistance, education and training;

21. *Calls on* the IPU to provide its Member Parliaments with recommendations and best practices for the establishment of a special parliamentary committee on combating trafficking in persons, and for the appointment of a national rapporteur or equivalent mechanism to monitor the development and implementation of national measures to combat trafficking in persons, and to monitor and evaluate the implementation of relevant national action plans once they have been put in place;

22. *Urges* IPU Member Parliaments to ensure that all measures taken to combat terrorism are in line with their respective State's international obligations, in particular international human rights standards, international refugee law and international humanitarian law, notably to ensure protection of the rights of victims of terrorism and of the individual right to privacy;

23. *Calls on* IPU Member Parliaments to take into account, in exercising their legislative and oversight functions, the fact that terrorism cannot and should not be associated with any religion, nationality or ethnic group, and hence profiling based on any of these factors should not be used by national and transnational agencies in their efforts to combat terrorism;

24. *Invites* IPU Member Parliaments to strengthen their respective legal systems in accordance with the International Convention for the Suppression of the Financing of Terrorism with a view to combating money laundering and financing of terrorist activities and to ensure that all measures taken are in line with their respective State's international obligations;

25. *Calls on* States to take all the necessary measures to combat terrorism, in particular by preventing their territories from being used for cross-border terrorist acts and by swiftly bringing to justice the persons or entities in their territory that participate in these acts;

26. *Calls on* States to adhere to all relevant United Nations resolutions, conventions and international agreements and to take measures to prevent, combat and eliminate terrorism in all its manifestations and forms;

27. *Invites* the United Nations to consider convening an international conference on the fight against terrorism, with a view to evaluating progress in meeting international commitments, analysing the impact of new forms of terrorism, and determining whether existing national legislation does indeed meet international humanitarian and human rights standards;

28. *Calls for* universal ratification of the United Nations Convention against Corruption (UNCAC), and *invites* parliaments to support the effective functioning of the newly established UNCAC review mechanism;

29. *Also urges* national parliaments to adopt legislation providing more stringent penalties for corruption and organized crime, and to apply standards of good governance, accountability and transparency in public institutions with a view to combating corruption;

30. *Urges* the IPU to promote international cooperation to combat financial safe havens in the form of extradition agreements, confiscation and forfeiture of assets, social sanctions, mutual legal assistance, and good governance in order to combat money laundering;

31. *Invites* IPU Member States to undertake a thorough evaluation and screening of officials in charge of public institutions with a view to preventing their involvement in activities related to transnational organized crime;

32. *Recommends* the establishment of enhanced mechanisms for international cooperation, particularly among intelligence services and systems, in the fight against organized crime, while, at the same time, affirming that information shared in the course of these cooperative efforts should be used only for the purpose for which it was originally provided and in the light of each country's specificities;

33. *Invites* IPU Member Parliaments from donor countries to promote development cooperation programmes aimed at upgrading criminal justice systems in countries vulnerable to organized crime;

34. *Also recommends* that the fight against transnational organized crime be strengthened and intensified so as to foster lasting solutions through the promotion of human rights and equitable socioeconomic conditions;

35. *Invites* parliamentarians to make use of the technical services and expertise provided by UNODC in specialized workshops and training courses, and to call on the United Nations General Assembly in cases related to crime prevention, international drug control and the fight against terrorism.

* *The delegation of Iran (Islamic Republic of) expressed a reservation on operative paragraph 8 in relation to the concept of "gender equality".*

THE ROLE OF PARLIAMENTS IN STRENGTHENING THE SOLIDARITY OF THE INTERNATIONAL COMMUNITY TOWARDS THE PEOPLE OF HAITI AND CHILE IN THE WAKE OF DEVASTATING MAJOR DISASTERS, AND URGENT ACTIONS REQUIRED IN ALL DISASTER-PRONE COUNTRIES TO IMPROVE DISASTER-RISK ASSESSMENT, PREVENTION AND MITIGATION

Resolution adopted unanimously by the 122nd IPU Assembly
(Bangkok, 1 April 2010)

The 122nd Inter-Parliamentary Assembly,

Acknowledging the growing evidence that both disasters and climate change hit poor nations and communities the hardest, and that disaster-risk reduction for immediate climate change adaptation is a strategic step towards sustainable development,

Considering that in recent months a devastating earthquake hit Port-au-Prince, the capital of Haiti, and that another struck off the coast of Chile, causing considerable damage to both countries,

Further considering that more than 200,000 lives were lost in the earthquake in Haiti, which caused damage and losses amounting to an estimated US$ 7.8 billion (US$ 4.3 billion in physical damage and US$ 3.5 billion in economic losses), or the equivalent of more than 120 per cent of Haiti's gross domestic product (GDP) in 2009, and that the earthquake in Chile caused damage and losses estimated at between US$ 15 and 30 billion, or the equivalent of 15 per cent of Chile's GDP,

Considering that Haiti, the poorest nation in the western hemisphere, is also facing severe problems of food security as a consequence of the disaster,

Acknowledging that the growing frequency, intensity and impact of disasters pose a significant threat to people's lives and livelihoods, and to the achievement of the Millennium Development Goals (MDGs),

Mindful of the different ways such disasters can affect each country depending on its vulnerabilities, but *convinced* that international humanitarian action must reach all those who have been affected, while taking account of local initiatives to provide relief,

Recognizing that the poor account for the majority of all people killed in disasters, and that it is the combination of hazards such as floods and tropical storms, with an exposed, vulnerable and ill-prepared population or community, that causes disasters,

Stressing that the international community and governments urgently need to establish frameworks and measures to help poor countries and communities adapt to climate change while continuing to engage in debate and negotiation on climate change mitigation,

Recalling that the resolution on natural disasters adopted unanimously by the 112th IPU Assembly (Manila, 2005) proposed that nations further strengthen their cooperation in disaster-prevention efforts, and *recognizing* that the Hyogo Framework for Action 2005-2015, which was endorsed by 168 governments at the World Conference on Disaster Reduction in 2005, lays the groundwork for the implementation of disaster-risk reduction and specifically identifies the need to promote the integration of risk reduction into existing climate variability and future climate change strategies,

1. *Commends* the efforts made by the national authorities of Haiti and Chile to cope with the disasters, *welcomes* the outpouring of solidarity towards their peoples in the wake of the devastating disaster, and *requests* governments to contribute further to it and promote continued mobilization of civil society for the benefit of those countries, taking account of the needs expressed by the Chilean and Haitian authorities and, in the case of Haiti, of the added complication of the almost total destruction of the country's infrastructure;

2. *Reaffirms* the need for the disaster assistance currently being received by the Haitian Government to be followed up with aid for as long as is necessary for the long-term reconstruction of the country

and establishment of a self-sufficient State that is able to provide its people with better living conditions;

3. *Calls upon* governments to take both urgent and structural measures to make disaster-risk assessment an integral part of post-earthquake recovery and reconstruction planning and for programmes to protect people from future disasters;

4. *Urges* governments to assess all their critical public facilities, such as schools and hospitals, with a view to making them resilient to earthquakes, floods and storms, and to make disaster-risk reduction a part of poverty reduction and of all planning and programmes aimed at achieving the MDGs and the ensuing long-term welfare of the people;

5. *Also urges* governments to pay close attention to the protection of women and children in post-disaster situations, which can leave them particularly vulnerable to abuse, including trafficking;

6. *Also urges* governments to further coordinate their international relief, reconstruction and recovery activities, among themselves and with humanitarian bodies, and to take concrete action to enhance people's understanding of and capacity to address the impact of climate change and disaster-risk reduction through public awareness, education and training;

7. *Also urges* all parliaments to foster the strong political will and allocate the budget funds needed to develop a national legal framework designed to ensure synergy between disaster-risk reduction and climate change adaptation, and between disaster-risk reduction and poverty reduction and socio-economic development, so as to protect the best interests of those vulnerable to geological and climate-related disasters.

United Nations A/65/90

General Assembly

Distr.: General
9 June 2010

Original: English

Sixty-fifth session
Items 22 (b) and 107 of the preliminary list*

Globalization and interdependence: preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention against Corruption

Crime prevention and criminal justice

Preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention against Corruption

Report of the Secretary-General

Summary

The present report has been prepared pursuant to General Assembly resolution 64/237, entitled "Preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention against Corruption". It contains information on the outcome of the third session of the Conference of the States Parties to the United Nations Convention against Corruption, held in Doha from 9 to 13 November 2009, with emphasis on the establishment of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption (Conference resolution 3/1). The report also contains information on initiatives taken to accumulate knowledge on the measures taken by States to prevent and combat corruption. It further contains information on certain anti-corruption and asset recovery initiatives and partnerships, namely the joint United Nations Office on Drugs and Crime/World Bank Stolen Asset Recovery Initiative, the International Anti-Corruption Academy, the work with the private sector, technical assistance for the implementation of the Convention and matters related to resources.

* A/65/50.

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I. Introduction

1. In its resolution 64/237, the General Assembly urged all Member States and competent regional economic integration organizations that had not yet done so to consider ratifying or acceding to the United Nations Convention against Corruption,[1] and called upon all States parties to fully implement the Convention. The Assembly also urged Member States to combat and penalize corruption as well as the laundering of proceeds of corruption, to prevent the transfer of illicitly acquired assets and to work for the prompt return of such assets. It welcomed the conclusion and successful outcome of the third session of the Conference of the States Parties to the United Nations Convention against Corruption, held in Doha from 9 to 13 November 2009, especially the establishment of a review mechanism for the implementation of the Convention. It called upon States parties to fully implement the outcomes of the Conference, in particular the review mechanism, in accordance with the terms of reference adopted by the Conference. It took note with appreciation of the work of the Open-ended Intergovernmental Working Groups on Asset Recovery, Technical Assistance and Review of the Implementation of the United Nations Convention against Corruption and the open-ended dialogue with international organizations, and called upon States parties to support the work of the newly established Implementation Review Group and the also newly established Open-ended Intergovernmental Working Group on Prevention of Corruption, as well as the continuing work of the Open-ended Intergovernmental Working Group on Asset Recovery. It also took note with appreciation of the decision of the Conference to accept the offer by the Governments of Morocco and Panama to host its fourth and fifth sessions in 2011 and 2013, respectively. The General Assembly encouraged Member States that had not yet done so to enact laws and implement measures to fight corruption in all its forms and stressed the need for transparency in financial institutions. It invited Member States to work on the identification and tracing of financial flows linked to corruption, the freezing or seizing of assets derived from corruption and the return of such assets, and encouraged the promotion of human and institutional capacity-building in that regard. It urged all Member States to abide by the principles of proper management of public affairs and public property and the need to safeguard integrity. Furthermore, it urged Member States to foster a culture of transparency, accountability and rejection of corruption; stressed the importance of mutual legal assistance and encouraged Member States to enhance international cooperation; and called for further international cooperation, inter alia, through the United Nations system, in support of national, subregional and regional efforts to prevent and combat corrupt practices and the transfer of assets of illicit origin, and, in that regard, encouraged close cooperation between anti-corruption agencies, law enforcement agencies and financial intelligence units. It requested the Secretary-General to continue to provide the United Nations Office on Drugs and Crime (UNODC) with the resources necessary to enable it to promote, in an effective manner, the implementation of the Convention and to discharge its functions as the secretariat of the Conference, and also requested the Secretary-General to ensure that the new mechanism for the review of implementation of the Convention is adequately funded, in line with the resolution adopted by the Conference. It reiterated its call upon the private sector, at both the international and

[1] United Nations, *Treaty Series*, vol. 2349, No. 42146.

the national levels, to remain fully engaged in the fight against corruption, noted in that regard the role that the Global Compact could play and emphasized the need for all relevant stakeholders to continue to promote corporate responsibility and accountability; took note of the holding of the sixth Global Forum on Fighting Corruption and Safeguarding Integrity, held in Doha on 7 and 8 November 2009; requested the international community to provide, inter alia, technical assistance to support national efforts to strengthen human and institutional capacity aimed at preventing and combating corrupt practices and the transfer of assets of illicit origin as well as for asset recovery, and to support national efforts in formulating strategies for mainstreaming and promoting transparency and integrity in both the public and private sectors. The General Assembly took note with appreciation of the Stolen Asset Recovery (StAR) Initiative of UNODC and the World Bank, and encouraged coordination among existing initiatives; it also took note of the partnership to establish the International Anti-Corruption Academy, to serve as a centre of excellence for the education, training and academic research in the field of anti-corruption, including in the area of asset recovery. It decided to include in the provisional agenda of its sixty-fifth session, under the item entitled "Globalization and interdependence", the sub-item entitled "Preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention against Corruption".

2. Pursuant to General Assembly resolution 63/226, a report of the Secretary-General on preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, was submitted to the Assembly at its sixty-third session (A/64/122). Other reports on the subject had been submitted to the Assembly at its fifty-sixth to sixty-third sessions (A/56/403 and Add.1, A/57/158 and Add.1 and 2, A/58/125, A/59/203 and Add.1, A/60/157, A/61/177, A/62/116 and A/63/88).

3. The present report contains an update on the status of adherence to the Convention against Corruption. It contains information on the outcome of the third session of the Conference and on the instruments developed to gather information on the implementation efforts undertaken by Member States. It also contains information on anti-corruption and asset recovery initiatives and partnerships, namely the joint UNODC/World Bank StAR Initiative, the International Anti-Corruption Academy, the work with the private sector and technical assistance for the implementation of the Convention. The report further contains information on resources provided to UNODC and concludes with recommendations on the way forward.

II. United Nations Convention against Corruption

A. Status of ratification

4. As at 20 May 2010, there were 140 signatories and 144 parties to the Convention against Corruption.

B. Third session of the Conference of the States Parties to the United Nations Convention against Corruption

5. Over 100 States parties participated in the third session of the Conference. The main outcome of the session was the establishment of the Mechanism for the Review of Implementation of the Convention (Conference resolution 3/1). In addition, the Conference adopted resolutions on preventive measures (resolution 3/2), asset recovery (resolution 3/3) and technical assistance (resolution 3/4).

1. Review mechanism (resolution 3/1)

6. The establishment of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption was a milestone in the history of the Convention and irrefutable proof of the strong engagement of all States parties. In its resolution 3/1, the Conference adopted the terms of reference of the Review Mechanism and draft guidelines for governmental experts and the secretariat in the conduct of country reviews and the draft blueprint for country review reports, to be finalized by the Implementation Review Group. The Review Mechanism is an intergovernmental process to promote the goals of the Convention, provide the Conference with information on the measures taken and difficulties encountered by States parties in implementing the Convention, help States parties to identify technical assistance needs, and promote international cooperation and the exchange of information, good practices and experiences gained in the implementation of the Convention. The review is structured in phases and cycles; each review phase is composed of two review cycles of five years each. During the first review cycle, chapters III (Criminalization and law enforcement) and IV (International cooperation) will be reviewed and, during the second cycle, chapters II (Preventive measures) and V (asset recovery) will be reviewed.

7. A comprehensive self-assessment checklist will be used to facilitate the provision of information on implementation of the Convention. The Conference requested the Secretariat to finalize and distribute the checklist, using as a model the draft comprehensive self-assessment checklist presented to the Conference at its third session. UNODC has finalized the comprehensive self-assessment checklist, which can be downloaded from the UNODC website[2] and is described in greater detail in paragraphs 19 and 20 below.

8. Each State party will be reviewed by two other States parties, of which one will be from the same geographical region as the State party under review. Each State party shall appoint up to 15 governmental experts for the purpose of the review process, a list of which will be compiled and circulated by the Secretariat. As at 26 May 2010, this list contained experts from 78 States parties. The selection of States parties to be reviewed and that will review others in a specific year is carried out by drawing lots at the beginning of each year of the review cycle. The initial draw will be carried out during the first meeting of the Implementation Review Group, to be held in Vienna from 28 June to 2 July 2010.

9. The reviewing States parties are expected to carry out a desk review of the responses provided by the State party under review to the comprehensive

[2] Available from www.unodc org/unodc/en/treaties/CAC/self-assessment.html.

self-assessment checklist focusing the analysis on measures taken to implement the Convention and on successes in and challenges of such implementation. The reviewing State parties may request the State party under review to provide clarifications or additional information. The ensuing constructive dialogue may be carried out, inter alia, by way of conference calls, videoconferences or e-mail exchanges. If agreed by the State party under review, the desk review would be complemented with any additional means of direct dialogue, such as a country visit or a joint meeting at the United Nations Office at Vienna. The reviewing States parties will prepare a country review report on the basis of the blueprint adopted by the Conference, in close cooperation and coordination with the State under review and with the assistance of the Secretariat. The country report will include an executive summary, which will be made available in the six official languages of the United Nations and as a document of the Implementation Review Group for information purposes. While the report will remain confidential, the State party under review is encouraged to exercise its sovereign right to publish its country review report or part thereof. The Secretariat will compile the most common and relevant information on successes, good practices, challenges, observations and technical assistance needs contained in the country review reports and include them, organized by theme, in a report on implementation.

10. The Implementation Review Group, an open-ended intergovernmental group of States parties, oversees the review process in order to identify challenges and good practices and consider technical assistance requirements. It acts under the authority of the Conference. The Group will be in charge of following up on and continuing the work undertaken previously by the Open-ended Intergovernmental Working Group on Technical Assistance. At its first meeting, the Implementation Review Group will address the finalization of the guidelines for governmental experts and the blueprint for the country review reports; the selection, by drawing of lots, of the States parties to be reviewed during the first review year (35 countries) and those tasked with carrying out reviews; the resource requirements of the Review Mechanism; and technical assistance.

11. In its resolution 3/1, the Conference underlined that the mechanism would require a budget that ensured its efficient, continued and impartial functioning and recommended that the General Assembly finance the staffing requirements of the Secretariat necessary to implement the Review Mechanism through the reallocation of existing resources of the regular budget of the United Nations for the biennium 2010-2011. The General Assembly reflected the need for additional resources for the implementation of Conference resolution 3/1 in the programme budget for the biennium 2010-2011 (see para. 52 below).

12. In the terms of reference of the Review Mechanism, it was outlined that requirements relating, inter alia, to country visits, joint meetings at the United Nations Office at Vienna and the training of experts, should be funded by voluntary contributions free of conditions and influence. In its resolution 3/1, the Conference requested the Secretary-General to propose to the Implementation Review Group, for its consideration and decision at its first meeting, further means of funding the implementation of the Mechanism. It decided that the Implementation Review Group should consider the resource requirements for the functioning of the *Mechanism for the biennium 2012-2013. A proposed budget for the Mechanism for*

the biennium 2012-2013 will be discussed by the Implementation Review Group at its first meeting.

2. Preventive measures (resolution 3/2)

13. Conference resolution 3/2, on preventive measures, focuses on a topic to which the Conference had decided to give added prominence. In that resolution, the Conference requested the Secretariat to collect, analyse and disseminate information on good practices in the field of prevention of corruption, existing regulation models for the public sector and methodologies, including evidence-based approaches for assessing areas of special vulnerability to corruption, as well as to collect information on best practices for promoting responsible and professional reporting on corruption for journalists. It called upon the Secretariat to intensify cooperation and coordination in the provision of technical assistance in preventing corruption and requested the Secretariat to continue its efforts to assist international organizations with their implementation of the principles of the Convention. It strongly encouraged States parties to integrate anti-corruption policies in broader reform strategies; called upon States parties to ensure the existence of anti-corruption bodies in accordance with article 6 of the Convention and to promote the business community's engagement in the prevention of corruption. It invited States parties to consider the use of computerized systems to govern public procurement and to track and identify suspect cases; urged States parties to raise public awareness of corruption and called upon them to enhance dialogue and synergies with other stakeholders outside the public sector and promote educational programmes.

14. UNODC has conducted a number of awareness-raising activities. Notable examples include the joint UNODC/United Nations Development Programme (UNDP) awareness-raising campaign "Your no counts", which focuses on the effect of corruption on development, democracy, the rule of law, human rights, markets, quality of life and human security,[3] and the Global Youth Forum, which brought together youths aged 14-17 from a number of countries and was held in Doha on 7 and 8 November 2009, in parallel to the sixth Global Forum on Fighting Corruption and Safeguarding Integrity. The conclusions of the Global Youth Forum were presented to the Global Forum and were noted with appreciation.

15. The Conference decided to establish an interim open-ended intergovernmental working group on the prevention of corruption. The newly established Working Group on Prevention of Corruption will hold its first meeting from 13 to 15 November 2010. The Secretariat will provide the Working Group with a background note outlining ongoing initiatives and proposing concrete activities for the implementation of the mandates contained in resolution 3/2, with a view to receiving guidance on the methodology and priorities States parties wish to adopt.

3. Asset recovery (resolution 3/3)

16. In its resolution 3/3, the Conference urged States parties to take a proactive approach to international cooperation and to promote informal channels of communication by, inter alia, designating officials or institutions as focal points to

[3] See www.unodc.org/yournocounts.

assist their counterparts in mutual legal assistance, and encouraged that those focal points come together to promote communication, coordination and the development of best practices. It called on States parties that had not yet done so to designate a central authority as required by article 46, paragraph 13 of the Convention. It urged States parties to ensure that procedures for international cooperation allowed for the seizure and restraint of assets for a time period sufficient to preserve assets during foreign proceedings, to expand cooperation in the enforcement of foreign judgements and to strengthen institutional capacities in the field of asset recovery. It encouraged States parties to remove barriers to asset recovery by ensuring that financial institutions adopt and implement effective standards of customer due diligence and the identification of beneficial ownership and by establishing effective procedure for financial disclosure. The Conference urged further study and analysis of the results of asset recovery actions and of the legal presumptions, measures to shift the burden of proof and illicit enrichment offences, and urged States parties to document and disseminate successful asset recovery experiences. A draft study on legal presumptions, measures to shift the burden of proof and illicit enrichment will be submitted to the Open-ended Intergovernmental Working Group on Asset Recovery at its fourth meeting, which will be held on 16 and 17 December 2010.

4. Technical assistance (resolution 3/4)

17. The Conference, in its resolution 3/4, urged States parties and other donors to provide technical assistance for the implementation of the Convention. It also urged States parties and signatories to exchange expertise, experiences and lessons learned with respect to providing technical assistance in the area of combating and preventing corruption. It encouraged States parties and signatories to continue to identify and communicate to UNODC the relevant information about anti-corruption experts so that the Office could include those experts in its database of anti-corruption expertise. As at 26 May 2010, the database contained information on anti-corruption experts submitted by 41 States parties. UNODC is working to make the database a secure online tool. The Conference endorsed country-led and country-based, integrated and coordinated technical assistance programme delivery, encouraged donors to use the Convention and, as appropriate, other relevant international instruments as a framework for country-level dialogue to facilitate programme delivery. The Conference urged donors to continue to provide resources to assist UNODC in order to further the implementation of the Convention, encouraged States and UNODC to continue to develop and promote coordinated partnerships, including between the public and private sectors, and encouraged donors to accord high priority to technical assistance for the implementation of the Convention. In addition, it requested UNODC to continue to share information on technical assistance needs compiled on the basis of responses to the self-assessment checklist and to promote synergies with providers of technical assistance.

III. Accumulating knowledge on the measures taken by States to prevent and combat corruption

18. In the resolutions it adopted at its third session, the Conference underlined the importance of generating, aggregating and disseminating knowledge on measures taken by States to prevent and combat corruption. It endorsed the comprehensive

self-assessment checklist and expressed appreciation for the blueprint of the legal library and the Knowledge Management Consortium.

A. Self-assessment checklist

19. The comprehensive, computer-based self-assessment checklist developed by UNODC is the main tool for gathering information on measures taken to implement the Convention and on technical assistance needs and ongoing activities, while also being the backbone of the Review Mechanism. In addition, validated legal data submitted through the checklist will also be stored in the legal library.

20. The comprehensive self-assessment checklist is based on the experiences gained from the initial, somewhat limited, self-assessment checklist launched on 15 June 2007, which covered 15 articles of the Convention and had been completed by 87 States parties as at 13 May 2010. The checklist is the result of a broad-based consultative process over three expert group meetings — held in Vancouver, Canada, from 15 to 17 April 2008; Vienna, on 23 and 24 February 2009; and Toronto, Canada, on 28 September 2009 — organized in partnership with the International Centre for Criminal Law Reform and Criminal Justice Policy. The checklist was tested by 37 volunteer States parties between March and June 2009. After it was endorsed by the Conference at its third session, the checklist was finalized and the English version was posted on the UNODC website.[4] The comprehensive self-assessment tool will be launched in the six official languages of the United Nations at the first meeting of the Implementation Review Group.

B. Legal library

21. Building on information elicited through the self-assessment checklist, the legal library has been designed to gather, organize, analyse and disseminate updated and validated legal knowledge. As such, the library is developing as an electronic repository of corruption-related information, including anti-corruption laws related to the requirements of the Convention, regulations, administrative practices and cases. It is administered by UNODC and supported by the StAR Initiative, thus enabling greater public access to legal information generated by the Review Mechanism.

22. The objective of the legal library is not only to collect national legislation, but also to demonstrate in a practical and user-friendly way how each State has implemented the provisions of the Convention and which tasks still lie ahead. UNODC has collected an initial data set of laws from 97 States and has conducted a detailed analytical breakdown of how that legislation relates to the provisions of the Convention. The legal library is expected to become publicly available in the last quarter of 2010.

[4] Available from www.unodc.org/unodc/en/treaties/CAC/self-assessment.html.

C. Knowledge Management Consortium

23. The key objective of the Knowledge Management Consortium is to provide a Web-based portal and collaborative forum to facilitate the collection and dissemination of knowledge related to the Convention. Administered by UNODC and supported by the StAR Initiative, the Consortium will be a platform of legal and non-legal knowledge on anti-corruption and asset recovery matters that bring together reputable regional and international institutions. This will enable Member States, the anti-corruption community and the general public to access from one place information generated by such institutions that is useful in countering corruption and in recovering assets. A non-exclusive list of organizations active in the field of anti-corruption includes the International Association of Anti-Corruption Authorities, UNDP, the World Bank, the Asian Development Bank, the Organization for Economic Cooperation and Development, the Basel Institute on Governance, the U4 Anti-Corruption Resource Centre and UNODC. Like the legal library, the Consortium will be fully compatible with other anti-corruption and asset recovery tools and applications, such as the International Criminal Police Organization (INTERPOL)/StAR Initiative database of asset recovery focal points and the expanded version of the Mutual Legal Assistance Request Writer Tool currently under development. Microsoft provided the technology necessary to develop such a blueprint as a pro bono contribution to the anti-corruption work of the United Nations. UNODC is exploring the possibility of expanding its partnership with Microsoft in order to develop the entire portal, which is expected to be launched in the last quarter of 2010.

IV. International cooperation: anti-corruption and asset recovery initiatives and partnerships

A. Stolen Asset Recovery Initiative

24. The StAR Initiative is based on a formal agreement reached between the World Bank and UNODC in September 2007. The goal of the Initiative is to encourage and facilitate the systematic and timely return of assets that are proceeds of corruption and to improve global performance in the return of stolen assets. It is financed by voluntary contributions to UNODC from Canada, Germany, Luxemburg, the United Kingdom of Great Britain and Northern Ireland and the United States of America and voluntary contributions to a World Bank-administered trust fund from Australia, France, Norway, Sweden and Switzerland. Using the Convention against Corruption as its legal framework, the Initiative focuses on three core components: (a) lowering the barriers to asset recovery by accumulating knowledge and supporting practitioners' networks for asset recovery; (b) building national capacity for asset recovery; and (c) providing preparatory assistance aimed at collecting and sharing information to encourage the progress of a country's specific asset recovery efforts.

1. Lowering the barriers to asset recovery by accumulating knowledge and supporting practitioners' networks for asset recovery

25. The StAR Initiative advocates the lowering of barriers to asset recovery in three ways: first, it develops practical tools and good-practice guides to help

practitioners with asset recovery cases; second, it conducts focused policy studies on innovative aspects of asset recovery; and, third, it supports the creation of networks of asset recovery practitioners in order to create confidence and trust and enhance cooperation between contact persons. The Initiative's knowledge products are developed with the collaborative assistance of expert practitioners, who typically include investigators, prosecutors, lawyers, magistrates, financial sector regulators and supervisors. They come from diverse backgrounds, representing civil and common law systems, as well as developed and developing countries, and make their contributions through expert group meetings, consultations and peer reviews.

26. The guide *Stolen Asset Recovery — Income and Asset Declarations: Tools and Trade-Offs*[5] was presented at the third session of the Conference. It was developed to broaden the approach to asset recovery and to link that work closely to governance and anti-corruption strategies. A second volume, to be published in 2010, will contain examples from a number of developed and developing countries that will be examined through case studies addressing different dimensions.

27. The good-practice guide *Stolen Asset Recovery: A Good Practices Guide for Non-Conviction Based Asset Forfeiture*,[6] which was published in English in April 2009, was published in Spanish in May 2009.[7]

28. The StAR Initiative is developing an asset recovery handbook to help practitioners with the strategic, organizational, investigative and legal challenges of international asset recovery. The handbook is expected to be finalized in the last quarter of 2010.

29. Other practical tools currently being developed by the StAR Initiative include the legal library and the Knowledge Management Consortium (see paras. 21-23 above). The Initiative is also looking into the technological and substantive requirements of expanding UNODC's Mutual Legal Assistance Request Writer Tool, in particular to include asset recovery aspects.

30. In addition, the Initiative conducts focused policy studies on innovative aspects of asset recovery to inform policymaking in both requesting and requested States. A number of these policy studies were finalized and presented at the third session of the Conference, in November 2009. Among them is a study entitled *Stolen Asset Recovery — Towards a Global Architecture for Asset Recovery*,[8] in which the roles and functions of national and international bodies engaged in asset recovery are outlined with a view to identify gaps, overlaps and potential areas for collaboration. Attention is drawn to institutions ready to support, facilitate and promote international collaboration for asset recovery, and some of the measures that national authorities and international bodies can undertake to accelerate the pace at which assets are returned are laid out.

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[5] Available from http://siteresources.worldbank.org/EXTSARI/Resources/5570284-1257172052492/ADincomeasset.pdf?resourceurlname=ADincomeasset.pdf.

[6] Available from http://siteresources.worldbank.org/EXTSARI/Resources/NCBGuideFinalEBook.pdf.

[7] Available from http://siteresources.worldbank.org/EXTSARI/Resources/ActivosRobados.pdf.

[8] Available from http://siteresources.worldbank.org/EXTSARI/Resources/5570284-1257172052492/GlobalArchitectureFinalwithCover.pdf?resourceurlname=GlobalArchitectureFinalwithCover.pdf.

31. The publication *Stolen Asset Recovery — Management of Returned Assets: Policy Considerations*[9] is designed to help States with the management of returned assets and to provide analytical elements to inform decisions by policymakers about available options and best models that can be used for this purpose.

32. The study *Stolen Asset Recovery — Politically Exposed Persons: A Policy Paper on Strengthening Preventive Measures*[10] examines how the financial sector can strengthen due diligence with respect to politically exposed persons, individuals entrusted with carrying out prominent public functions. The study addresses the obligations of States parties, especially under article 52 of the Convention, on the prevention and detection of transfers of proceeds of crime. In addition, it examines the measures that financial institutions can implement to address the risk of doing business with politically exposed persons, the due diligence and other policies financial institutions should have in place and the interaction with financial intelligence units, law enforcement agencies and anti-corruption units.

33. Further publications under development by the StAR Initiative include a study on the misuse of vehicles owned by corporate entities such as limited companies, trusts or foundations for the purposes of laundering the proceeds of corruption and measures that can be taken to ensure greater transparency with regard to beneficial ownership. Another study will be carried out on barriers to asset recovery in requested States, in particular in financial centres, to provide information useful in the design and implementation of policies and action plans for lowering the barriers to asset recovery in financial centres and assisting practitioners in requesting jurisdictions to better understand challenges in requested jurisdictions. In response to Conference resolution 3/3, in which the Conference urged the further study and analysis of how legal presumptions, measures to shift the burden of proof and the examination of illicit enrichment frameworks could facilitate the recovery of the proceeds of corruption, such a study is being conducted. The resulting policy and legal implications are also being studied.

34. The Asset Recovery Focal Point Database, established by the StAR Initiative in partnership with INTERPOL, was launched on 19 January 2009 as a focal point contact list of officials who can respond to emergency requests for assistance 24 hours a day, 7 days a week. The database currently includes data on 74 countries. Those Governments that have not already done so are encouraged to include their countries in this database, by providing information through their INTERPOL national central bureau.

35. To complement the Asset Recovery Focal Point Database, the StAR Initiative supports the creation of regional networks modelled on the Camden Asset Recovery Inter-Agency Network of judicial and law enforcement expert practitioners in Europe for criminal asset tracing, freezing, seizure and confiscation established in 2004. UNODC facilitated the establishment, in March 2009, of the Asset Recovery Inter-Agency Network of Southern Africa, a regional network modelled on the Camden Asset Recovery Inter-Agency Network comprising prosecutors and law enforcement officers working on asset forfeiture cases, and supported the

[9] Available from http://siteresources.worldbank.org/EXTSARI/Resources/5570284-1257172052492/ManagementReturnedAssets.pdf?resourceurlname=ManagementReturnedAssets.pdf.

[10] Available from http://siteresources.worldbank.org/EXTSARI/Resources/5570284-1257172052492/PEPs-ful.pdf?resourceurlname=PEPs-ful.pdf.

establishment of a similar asset confiscation network in the context of the Financial Action Task Force of South America against Money Laundering (GAFISUD) in December 2009. The Regional Conference on Asset Recovery in Latin America and the Caribbean: Setting the Agenda for Regional Cooperation, held in Buenos Aires from 11 to 13 August 2009, was attended by participants from 24 countries who highlighted the importance of formal and informal contacts with institutions at the international level made through liaison offices and networks. At regional conferences organized in the framework of the StAR Initiative, participants from South-Eastern Europe and the Middle East and North Africa recognized the need to form networks for asset recovery. At a regional conference to be held in Dakar in September 2010 efforts will be made to facilitate the establishment of a regional network for asset recovery in West Africa.

36. The Open-ended Intergovernmental Working Group on Asset Recovery, established by the Conference, has repeatedly highlighted the importance of the work being done on the establishment of a global network of focal points for asset recovery and recommended that means of amending the INTERPOL/StAR Initiative Asset Recovery Focal Point Database be explored. As a result, UNODC requested Governments to submit information on asset recovery focal points whom they would like to have included in the database, describing their functions, as well as indicating their availability.

2. Building national capacity for asset recovery

37. The StAR Initiative has financed or co-financed regional workshops in East Africa, South-East Asia, Latin America, South-Eastern Europe, the Middle East and North Africa, and Central America. The workshops have sought to raise awareness of the asset recovery agenda, share experiences and address technical issues identified as priorities by participants. The regional workshops have facilitated discussions about regional networks of practitioners. Plans are under way for a West Africa regional programme and a cooperative regional event for the island nations in the Pacific.

38. In addition to the regional workshops, the StAR Initiative has sponsored more in-depth, technical and team-building training events in seven countries. These events have focused on the skills required for tracing asset and providing mutual legal assistance.

39. The StAR Initiative has also supported South-South cooperation on asset recovery. One approach has been to sponsor the participation of practitioners in asset recovery training events held in one country that are organized and delivered by another, neighbouring country. This approach helps build trust and familiarize practitioners with the procedures used by their counterparts. Another approach currently being tested consists of developing a train-the-trainer programme involving five countries in East Africa, where the national authorities are carrying out self-assessments to identify training needs and areas for potential collaboration in meeting those needs.

3. Preparatory assistance in the recovery of assets

40. The StAR Initiative provides technical assistance in the preparatory stages of asset recovery proceedings. The goal is to facilitate progress in asset recovery

efforts and inform national authorities' decision-making. This entails fostering country-level dialogue and technical assistance by, for example, sponsoring meetings and workshops that bring together the parties involved at the national, regional and international level, as necessary, and providing advisory services to support the preparation of analytical reports, legal research and mutual legal assistance requests. As at May 2010, the StAR Initiative has received formal requests for assistance from 23 States and is discussing with others. Not all the requests mature into programmes of assistance, as in some cases the requesting State's needs can be met more effectively through longer-term capacity-building programmes. The way in which the Initiative becomes engaged varies: in some countries, assistance has been geared towards putting in place legislation to facilitate asset recovery and building inter-agency teams to support investigations and asset recovery; in other countries, assistance has taken the facilitation of contacts between national authorities and financial centres, assisting in the formulation of and follow-up on requests for mutual legal assistance and providing hands-on capacity-building in asset tracing and legal cooperation. The kind of assistance provided by the Initiative tends to evolve from advice on institutional and legislative issues to more operational assistance. However, this path is by no means always linear and countries that have sought assistance in asset recovery cases have not always decided to initiate or pursue legal proceedings.

B. International Anti-Corruption Academy

41. UNODC, in partnership with the Government of Austria and with support from the European Anti-Fraud Office (OLAF), is working towards the establishment of the International Anti-Corruption Academy. The Academy will be the world's first educational institution dedicated to fighting corruption within the framework of the Convention against Corruption. It will serve as a centre of excellence for anti-corruption research, degree-based learning and the development of policies and procedures to prevent and combat corruption. The curriculum will embrace diverse cultural traditions and focus on country-specific investigative training. Since the teaching will be based on the Convention, asset recovery will feature prominently in the curricula of this institution, and asset recovery training under the StAR Initiative will be coordinated with the training courses offered at the Academy.

42. Initially, the Academy will offer short module-based courses tailor-made according to specific requests, needs and case studies. The courses are expected to be sufficiently flexible to allow students to pursue their careers and studies at the same time. The academy will eventually offer academic degrees. The academy will aim to provide training to a wide variety of stakeholders, including people who play a key role in preventing and fighting corruption in their countries, i.e. law enforcement officers, judicial, governmental and private sector personnel and representatives of non-governmental, civil society and international organizations. It will be hosted by the Austrian Government in Laxenburg, near Vienna, and is expected to open its doors in the last quarter of 2010.

C. Cooperation with the private sector

43. The role of the private sector in the fight against corruption continues to be regarded as crucial. In its resolution 3/2, adopted at its third session, the Conference highlighted the role of the private sector, calling upon States to promote the business community's engagement in the prevention of corruption, and the role of procurement systems. The Conference also referred to the private sector in its resolution 3/3, on asset recovery, encouraging States parties to ensure that financial institutions adopt and implement effective standards of due diligence and financial disclosure. In its resolution 3/4, on technical assistance, it encouraged the development and promotion of coordinated partnerships, including between the public and private sectors (see paras. 13-17 above).

44. The sixth Global Forum on Fighting Corruption and Safeguarding Integrity was held in Doha on 7 and 8 November 2009, immediately prior to the third session of the Conference. At the Forum, participants placed considerable emphasis on the contribution that the private sector could make to the fight against corruption and explored means of forging alliances between the private sector and the donor community. The outcome of the Forum was brought to the attention of the Conference at its third session.

45. After the fourth meeting of the working group on the tenth principle of the Global Compact, held in February 2009, UNODC continued to contribute to the implementation of the tenth principle, on anti-corruption. In particular, UNODC contributed to a guide to facilitate companies' reporting on the tenth principle, a tool to prevent and fight corruption along the supply chain and a campaign waged by top business leaders in support of the Convention. At its fifth meeting, held in Doha on 5 and 6 November 2009, the working group on the tenth principle reviewed and made progress on this work. The "reporting guidance on the 10th principle against corruption" and a guide to fight corruption in the supply chain are expected to be endorsed at the third Global Compact Leaders Summit, due to take place in New York in June 2010.

46. UNODC and the Global Compact are developing an anti-corruption e-learning tool. The programme aims at disseminating knowledge of anti-corruption matters, in particular of the Convention against Corruption, and will contribute to capacity-building and awareness-raising efforts in support of the corporate community. The tool, which is expected to be launched at the third Global Compact Leaders Summit, will be distributed to all businesses participating in the Global Compact and will be available free of charge from the websites of both entities.

47. A joint publication by UNODC and PricewaterhouseCoopers entitled *Anti-Corruption Policies and Measures of the Fortune Global 500* was released in September 2009. The research was carried out by PricewaterhouseCoopers as a pro bono contribution to the anti-corruption work of the United Nations. The study provides an overview of the measures that companies listed in the 2008 Fortune Global 500 index have adopted to combat economic crime and corruption. It serves as an inspirational tool for companies that wish to adopt and enforce effective anti-corruption policies but may not possess the necessary know-how or who wish to review and enhance their existing measures.

48. There is an ongoing dialogue with Microsoft regarding a pro bono contribution to the development of the technological infrastructure of the legal library and the Knowledge Management Consortium (see paras. 21-23 above). UNODC is working to develop and promote coordinated partnerships with the private sector to leverage resources for advancing technical assistance efforts for the implementation of the Convention, pursuant to Conference resolution 3/4. UNODC has also continued to consult with Transparency International and the International Chamber of Commerce on the alignment of their business principles to the fundamental principles enshrined in the Convention.

D. Technical assistance for the implementation of the Convention

49. UNODC has continued to expand its technical assistance portfolio, providing technical assistance to over 40 countries. Such assistance includes legislative assistance, legal advisory services, the development of anti-corruption policies, capacity-building, enhancing integrity in the criminal justice system and awareness-raising. Planning and delivery of technical assistance programmes for the implementation of the Convention will be gradually integrated into the framework defined by the Conference at its third session and the priorities that will be identified through the Mechanism for the Review of Implementation of the Convention against Corruption. In addition, technical assistance will be provided in the framework of the UNODC regional and thematic programmes to support the efforts of Member States to respond to human security threats and promote good governance.

50. In its resolution 3/4, the Conference endorsed country-led and country-based, integrated and coordinated technical assistance and encouraged States, donors and other assistance providers to use the Convention and, as appropriate, other relevant international instruments as a framework for country-level dialogue to facilitate programme delivery. To that end, a small number of pilot countries volunteered to study how tools used to assess the implementation of the Convention could assist in identifying and coordinating the provision of technical assistance. The purpose of the study was to enhance the quality of the technical assistance provided to Member States by taking forward key recommendations made by the Working Group on Technical Assistance and during the third session of the Conference of the States parties, as set out in its resolution 3/4. In particular, the study was aimed at assisting participating countries in developing an action plan for integrated and coordinated technical assistance that addressed the identified needs and took into consideration donor assistance in furthering the implementation of the Convention. Preliminary findings of the study will be presented to the Implementation Review Group at its first meeting.

51. In addition, UNODC, together with other multilateral and bilateral donors, is exploring ways in which the comprehensive self-assessment checklist, as the central analysis tool on the implementation of the Convention, could be used for comprehensive technical assistance needs assessments.

52. According to the information received through the self-assessment reports, technical assistance for the implementation of the Convention is being provided by Canada, Denmark, France, Germany, the Netherlands, Sweden, Switzerland, the

United Kingdom and the United States, as well as by the Asian Development Bank, the Commonwealth Secretariat, the Council of Europe, the European Commission, the Financial Action Task Force on Money Laundering and relevant regional bodies such as the Financial Task Force of South America against Money-Laundering and the Eastern and Southern Africa Anti-Money-Laundering Group, the Inter-American Development Bank, the International Monetary Fund, the Organization for Economic Cooperation and Development, the Organization for Security and Cooperation in Europe and the Organization of American States. The United Nations is providing technical assistance for the implementation of the Convention through entities such as UNODC, UNDP and the World Bank.

V. Resources

53. Following the third session of the Conference of the States parties, the Secretary-General submitted, on 14 December 2009, a statement on the programme budget implications of draft resolution A/C.2/64/L.64, in accordance with rule 153 of the rules of procedure of the General Assembly.[11] The statement contained the additional expenditures derived from Conference resolution 3/1. The Fifth Committee considered the programme budget implications of draft resolution A/C.2/64/L.64 at its twenty-first and twenty-second meetings, on 18 and 23 December 2009.[12] The Fifth Committee informed the General Assembly that additional resources amounting to $1,689,300 to would be required under section 16, International drug control, crime and terrorism prevention and criminal justice ($1,433,000), section 28F, Administration, Vienna ($27,000) and section 35, Staff assessment ($229,300).[13] The Assembly considered and adopted draft resolution A/C.2/64/L.64 as resolution 64/237 and the report of the Fifth Committee on the programme budget for the biennium 2010-2011 as resolution 64/244 on 24 December 2009.

54. UNODC is grateful for the generous voluntary contributions made by the following in support of the Office's work for the implementation of the Convention: Australia, Austria, Canada, Finland, France, Germany, Greece, Japan, Luxemburg, the Netherlands, Norway, Poland, Sweden, Switzerland, the United Kingdom and the United States, as well as by the United Nations Democracy Fund, UNDP and the World Bank.

VI. Conclusions and recommendations

55. The continuing increase in the number of parties to the Convention is evidence that the Convention is becoming a truly global, fully operational instrument in line with the aspirations and expectations of Member States. Every effort should be made to increase the number of ratifications and to implement the provisions of the Convention. In this context, the General Assembly may wish to encourage Member

[11] A/C.5/64/12.

[12] The statements and comments made in the course of the Fifth Committee's consideration of this question are reflected in the relevant summary records, A/C.5/SR.21 and 22.

[13] A/64/599.

States that have not yet done so to ratify or accede to the Convention and to support its full implementation.

56. The establishment of the Mechanism for the Review of Implementation of the Convention was a historic step towards the full implementation of the Convention and the adoption of a transparent, knowledge-based approach to technical assistance. The success of the Review Mechanism depends on the full commitment and constructive engagement of all States parties. In this regard, the General Assembly may wish to encourage all Member States to fully support the work of the Review Mechanism and encourage donors to provide voluntary contributions for those parts of the mechanism to be funded by such contributions.

57. Information on the implementation of the Convention and on technical assistance needs will be increasingly instrumental for informed political decision-making and the establishment of priorities for technical assistance. In this regard, the General Assembly may wish to encourage Member States to make full use of the comprehensive self-assessment tool approved by the Conference at its third session.

58. Asset recovery will continue to be a priority, including in designing and implementing technical assistance activities. The General Assembly may wish to encourage Member States to invest energy, time and resources in the implementation of the asset recovery provisions of the Convention. Equally important will be the willingness by Member States and international organizations to identify the best possible ways forward, in particular with regard to fostering mutual trust and confidence.

59. Cooperation in international asset recovery efforts should continue to be strengthened, in particular between States, through the establishment of informal channels or networks as well as through the designation of focal points for asset recovery. To supplement this, the General Assembly may wish to encourage Member States that have not yet done so to designate central authorities for mutual legal assistance in order to facilitate asset recovery. Further, Member States that have not yet done so could be encouraged to designate asset recovery focal points with a view to establishing a global asset recovery focal point network. Similarly, in order to effectively accord preventive measures the prominence they deserve, Member States that have yet done so may be encouraged to designate an authority or authorities to assist other States parties in developing and implementing specific measures for the prevention of corruption.

United Nations

A/65/91

General Assembly

Distr.: General
17 June 2010

Original: English

Sixty-fifth session
Item 107 of the preliminary list*
Crime prevention and criminal justice

Assistance in implementing the international conventions and protocols related to terrorism

Report of the Secretary-General

Summary

Prepared pursuant to General Assembly resolution 64/177, the present report contains information on progress made by the United Nations Office on Drugs and Crime, in particular its Terrorism Prevention Branch, in delivering technical assistance to counter terrorism. The report identifies challenges faced to adequately respond to the evolving needs of Member States with respect to criminal justice aspects of countering terrorism and emphasizes the need for enhanced governmental support to meet those challenges. The report concludes with a set of recommendations for consideration by the Assembly.

* A/65/50.

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I. Introduction

1. This report was prepared pursuant to General Assembly resolution 64/177, in which the Secretary-General was requested to report on the implementation of that resolution at the Assembly's sixty-fifth session. In that resolution, the Assembly requested the United Nations Office on Drugs and Crime (UNODC) to reinforce the provision of technical assistance to Member States, upon request, for the ratification and legislative incorporation of the existing international conventions and protocols related to terrorism and for the building of capacity to implement them; to provide technical assistance to strengthen international cooperation in order to prevent and combat terrorism, and to ensure adequate training of all relevant personnel in executing international cooperation; to take into account in its technical assistance programme to counter terrorism the elements necessary for building national capacity in order to strengthen criminal justice systems and the rule of law; and to intensify its efforts to continue to systematically develop specialized legal knowledge in the area of counter-terrorism and pertinent thematic areas of relevance to the mandates of UNODC, especially through the preparation of technical tools and publications and the training of criminal justice officials.

2. The present report covers activities undertaken by UNODC, in particular its Terrorism Prevention Branch, to implement the aforementioned resolution, during the period from 1 January 2009 to 30 April 2010. It provides an update of the information contained in E/CN.15/2010/9.

3. During the period under review, the mandate of UNODC regarding counter-terrorism technical assistance was also reiterated by the General Assembly in its resolutions 64/118 and 64/179. In addition, in its resolution 64/168, the Assembly urged relevant United Nations bodies and international, regional and subregional organizations, including UNODC, within its mandate related to the prevention and suppression of terrorism, to step up their efforts to provide, upon request, technical assistance for building the capacity of Member States in the development and implementation of programmes of assistance and support for victims of terrorism in accordance with relevant national legislation.

II. Delivering technical assistance

4. Technical assistance in the area of counter-terrorism is provided mainly by the Terrorism Prevention Branch. Since January 2003, the Branch has directly or indirectly supported 168 countries in ratifying and implementing the international legal instruments against terrorism and in strengthening the capacity of their criminal justice systems to effectively implement the provisions of those instruments in conformity with the rule of law.

5. The counter-terrorism work of UNODC is carried out within a comprehensive perspective taking fully into account the work done on drugs, organized crime, corruption, money-laundering and criminal justice reform, and in close cooperation with UNODC field offices. The Branch draws on a network of field-based terrorism prevention experts in Africa, the Middle East, South-East Asia and the Pacific, Central Asia and Latin America and the Caribbean.

A. A multi-pronged approach for strengthening the international legal regime against terrorism

6. The Branch has been pursuing a multi-pronged approach in delivering assistance. The three key elements of that approach are: tailored national-level assistance; regional and subregional activities supporting and complementing national activities; and technical assistance tools and specialized substantive publications.

1. National-level technical assistance

7. Between 1 January 2009 and 30 April 2010, assistance was provided to the following 81 countries: Afghanistan, Algeria, Angola, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Benin, Bosnia and Herzegovina, Botswana, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Colombia, Comoros, Cook Islands, Congo, Costa Rica, Democratic Republic of the Congo, Djibouti, Dominican Republic, Egypt, Equatorial Guinea, Fiji, Ghana, Guyana, Haiti, Iceland, Indonesia, Iraq, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Namibia, Nauru, Nicaragua, Niger, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Seychelles, South Africa, Sudan, Swaziland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tonga, Tunisia, Tuvalu, Uganda, United Republic of Tanzania, Viet Nam, Yemen and Zambia.

8. The Branch made use of cost-effective telecommunication facilities, especially videoconferences, for the preparation or follow-up to technical assistance missions and for the provision of ad hoc legal advice.

9. Delegations from the following States were brought to Vienna for intensive working sessions involving the Branch and other UNODC entities: Azerbaijan (22-26 February 2010), Pakistan (16-18 November 2009), Costa Rica (22-24 September 2009), Afghanistan (15-17 June 2009), Algeria (28-30 April 2009) and Yemen (17-19 February 2009).

2. International, regional and subregional workshops

10. During the period under review, 25 thematically focused regional and subregional workshops were held. Some also dealt with international cooperation against transnational organized crime and corruption, including two ministerial-level conferences organized by the Division for Operations of UNODC in cooperation with the Branch: the Ministerial Conference on Illicit Drug Trafficking, Transnational Organized Crime and Terrorism as Challenges for Security and Development in Central America, held in Managua on 23 and 24 June 2009 and attended by participants from nine Central American countries; and the Ministerial Conference on Illicit Drug Trafficking, Transnational Organized Crime and Terrorism as Challenges for Security and Development in the Caribbean, held in Santo Domingo from 17 to 20 February 2010 and attended by participants from 17 Caribbean countries.

11. Another highlight was the international workshop for national counter-terrorism focal points jointly organized by the Branch and the Governments of Austria, Norway, Switzerland and Turkey, together with the Governments of Costa Rica, Japan and Slovakia, in close cooperation with the Counter-Terrorism Implementation Task Force and the Counter-Terrorism Committee Executive Directorate, held in Vienna on 12 and 13 October 2009. The workshop, attended by over 300 participants representing 113 Member States and 40 international, regional and subregional organizations, provided an informal global forum to exchange good practices and information on national efforts to implement United Nations counter-terrorism mandates and other counter-terrorism activities. Participants discussed the potential of a global network of national counter-terrorism focal points to serve as a platform for articulating national perspectives on counter-terrorism measures, especially on needs and assistance delivery in building national counter-terrorism capacities.

3. Technical assistance tools

12. The Branch has developed a number of tools, including the *Legislative Guide to the Universal Legal Regime against Terrorism*,[1] the *Guide for the Legislative Incorporation and Implementation of the Universal Anti-Terrorism Instruments* and model legislative provisions against terrorism. Most of these tools are available in the six official languages of the United Nations and many have been translated into various other languages.

13. The Electronic Legal Resources on International Terrorism database contains the full texts of the international legal instruments and the status of their ratification, searchable by region, country, treaty and time period. The database also contains the relevant national legislation of most Member States, as well as relevant case law from national, regional and international courts. In June 2009, the database was made accessible to the public (www.unodc.org/tldb).

14. The Branch has continued to work with the Office of Legal Affairs of the Secretariat to make available in the six official languages of the United Nations the third edition of *International Instruments Related to the Prevention and Suppression of International Terrorism*.[2]

15. Moreover, analytical studies, for various subregions, of developments in anti-terrorism legislation were finalized, including a review of legal regimes against terrorism in West and Central Africa and an overview of the counter-terrorism legislation of the Gulf States and Yemen.

16. The Branch developed tailor-made tools to strengthen the capacity of criminal justice officials to cooperate against terrorism. The Branch also developed compendiums of bilateral, regional and international agreements on extradition and mutual legal assistance for the Niger (jointly with the Government of France) and for the States members of the Indian Ocean Commission (jointly with the Indian Ocean Commission). Two similar compendiums are under preparation, one for Kenya and one for the States members of the Economic Community of West African States (ECOWAS). In addition, the Branch developed practical guides for

[1] United Nations publication, Sales No. E.08.V.9.

[2] Ibid., Sales No. E.08.V.2.

formulating effective requests for extradition and mutual legal assistance in criminal matters. One such guide concerns the five States members of the Indian Ocean Commission and a second is being prepared for 10 civil law and common law African countries.

17. Other tools published and disseminated during the period under review include the *Manual on International Cooperation in Criminal Matters Related to Terrorism* and the *Frequently Asked Questions on International Law Aspects of Countering Terrorism*.

18. The Digest of Terrorist Cases, launched during the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, held in Salvador, Brazil, in April 2010, draws on the practical experiences of senior judges and prosecutors who have conducted terrorism-related investigations and prosecutions or participated in related extradition proceedings.

19. Building on existing training tools, the Branch is in the process of developing a comprehensive legal training curriculum for criminal justice officials in order to impart specialized counter-terrorism legal knowledge and expertise in a more systematic manner. The curriculum consists of training modules on specific thematic issues for which additional tools and substantive publications, including case studies, are being developed. The modules will be adapted to information technology-based delivery mechanisms.

20. The use of such innovative information technology-based delivery mechanisms has shown to be cost-effective and efficient. Intensive online training courses have been developed by the Branch in collaboration with the DiploFoundation. Five training sessions were conducted, each lasting six weeks, reaching 126 participants from 72 countries. A specialized course on international cooperation against terrorism was developed and run jointly with the International Criminal Police Organization (INTERPOL). Participants were assigned readings and engaged in interactive discussions with lecturers and with each other through online forums. Participants have expressed strong appreciation for that format, which allows them to collaborate and interact at a global level.

B. Expanded work in specific thematic areas of legal assistance and capacity-building support

21. In cooperation with other partners, the Branch organized and participated in specialized activities addressing specific aspects of counter-terrorism.

1. Strengthening international cooperation in criminal matters related to counter-terrorism

22. The Branch provided focused assistance to strengthen international cooperation in criminal matters related to counter-terrorism through a number of workshops, including the following:

(a) A subregional workshop on enhancing international cooperation in the field of combating terrorism, jointly organized with the Ministry of the Interior and the Ministry of Justice of Egypt and held in Cairo on 27 and 28 February 2010 and attended by participants from the Libyan Arab Jamahiriya, Morocco and Tunisia;

(b) A subregional capacity-building workshop for Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates, held in Riyadh from 20 to 22 February 2010;

(c) The second subregional workshop for the States members of GUAM on enhancing international legal cooperation related to terrorism, held in Kyiv on 17 and 18 February 2010;

(d) A regional expert meeting on international cooperation in criminal matters between civil law and common law African countries, organized with the Commonwealth Secretariat, held in Yaoundé from 16 to 18 February 2010 and attended by participants from Angola, Cameroon, Cape Verde, Djibouti, Ghana, Kenya, Mali, Nigeria, Senegal and the United Republic of Tanzania;

(e) A workshop on strengthening international cooperation in criminal matters related to terrorism among and with the States members of ECOWAS, organized jointly with Spain, held in Las Palmas de Gran Canaria, Spain, from 15 to 17 June 2009 and attended by participants from 15 ECOWAS countries.

23. A regional justice platform was established to strengthen international cooperation among States members of the Indian Ocean Commission. Created jointly by UNODC and the Commission in 2008, the platform brings together the focal points responsible for extradition and mutual legal assistance from Comoros, France (Réunion), Madagascar, Mauritius and Seychelles. The first two meetings of the focal points were held in Saint Denis, Réunion, on 29 and 30 October 2009 and in Quatre Bornes, Mauritius, on 10 and 11 June 2009. The platform has provided a forum for practitioners to learn about the legal systems and practices of other States. The regional justice platform has also been instrumental in solving specific cases. UNODC is currently supporting the establishment of a regional justice platform for the Sahel countries.

24. Workshops bringing together judges and prosecutors from between two and four countries to discuss specific legal issues and problems related to regional and bilateral cooperation are becoming increasingly popular. Criminal justice practitioners from Burundi, the Democratic Republic of the Congo and Rwanda participated in a workshop held in Burundi from 10 to 12 November 2009. A workshop for participants from Algeria, Mali, Mauritania and the Niger was held in Mali from 29 September to 1 October 2009; a workshop for participants from Botswana, Namibia and Zambia was held in Botswana from 7 to 9 July 2009; a workshop for participants from Angola and Mozambique was held in Angola from 26 to 29 May 2009; a workshop for participants from Cameroon, the Central African Republic, Chad and the Congo was held in the Central African Republic from 12 to 14 May 2009; a workshop for participants from Mauritius, Seychelles and the United Republic of Tanzania was held in Seychelles from 28 to 30 April 2009; a workshop for participants from Benin, Burkina Faso, Ghana and Togo was held in Togo from 24 to 26 March 2009; and a workshop for participants from Botswana, Lesotho, South Africa and Swaziland was held in Lesotho from 27 to 29 January 2009. The Intergovernmental Authority on Development and INTERPOL contributed to several of those training workshops, as did senior practitioners from various countries.

25. National capacity-building workshops on international cooperation in criminal matters took place in Uganda (16-18 February 2010) and Egypt (14-15 February 2010),

and a national legislative drafting workshop on the enhancement of the legal framework on extradition for terrorism cases and other serious crimes was held in the Philippines (11-12 February 2010). National workshops for judges and prosecutors on drafting extradition and mutual legal assistance requests in terrorism cases were organized, in cooperation with the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe, for Bosnia and Herzegovina (15-18 December 2009 and 28-29 January 2009), the former Yugoslav Republic of Macedonia (13-16 October 2009) and Turkey (28-29 January 2009). A workshop on the international legal framework for counter-terrorism was organized in the Syrian Arab Republic (27-28 May 2009). A national workshop on enhancing international legal cooperation in criminal matters was held, in cooperation with OSCE, in Iceland (5-7 May 2009).

26. In addition to the activities of the Branch, UNODC undertakes programme activities aimed at facilitating overall international cooperation in criminal matters. These include the elaboration of legal tools, such as collected best practices, model laws, an online directory of competent national authorities and the Mutual Legal Assistance Request Writer Tool. They also include legal advisory services to requesting countries and the training of relevant authorities through national, regional and cross-regional workshops.

2. Addressing maritime issues related to countering terrorism

27. An area of growing importance is maritime security. The Branch organized a subregional workshop for States members of the Association of Southeast Asian Nations (ASEAN) entitled "Developing an Integrated Approach to Maritime Security through the Counter-Terrorism Conventions and Criminal and International Law: Legal Perspectives and Capacity-building", held in Singapore on 9 and 10 June 2009 and attended by participants from 10 ASEAN countries. The Branch also organized a workshop for Pacific island countries entitled "Developing an Integrated Approach to Maritime Security through Criminal and International Law", held in Nuku'alofa on 7 and 8 May 2009 and attended by participants from Australia, New Zealand and 15 Pacific island countries.

28. At the national level, States are increasingly interested in adding a specific component on crimes committed at sea to training workshops for criminal justice practitioners, such as in the Seychelles in April 2009 and in Djibouti in March 2010.

29. The Chief of the Branch also participated in a briefing by the Counter-Terrorism Committee to all Member States on the issue of maritime security in April 2010.

30. In addition, UNODC is working on legal aspects of the suppression of piracy in close cooperation with the International Maritime Organization.

3. Suppressing the financing of terrorism

31. The Branch and the Global Programme against Money-Laundering work closely together in providing assistance to countries in countering the financing of terrorism.

32. At the regional level, joint initiatives included the following:

(a) The subregional expert meeting of States members of the West African Economic and Monetary Union (UEMOA) on the freezing of assets and the applicability of the UEMOA uniform law in the fight against the financing of terrorism, held in Dakar from 9 to 11 March 2010, attended by participants from eight States members of UEMOA;

(b) The subregional capacity-building workshop on cross-border cooperation in fighting terrorism and its financing, held in Cartagena, Colombia, from 23 to 26 February 2010, attended by participants from Bolivia (Plurinational State of), Chile, Colombia, Costa Rica, Ecuador, Panama and Peru;

(c) The subregional workshop on the interdiction and investigation of cross-border bulk cash-smuggling, organized jointly with the Inter-American Committee against Terrorism of the Organization of American States (OAS/CICTE), held in Lima from 15 to 19 December 2009, attended by participants from Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of);

(d) The subregional workshop on the interdiction and investigation of cross-border bulk cash-smuggling, organized by OAS/CICTE, jointly with the United States Immigration and Customs Enforcement of the Department of Homeland Security and the Inter-American Drug Abuse Control Commission (CICAD) of OAS, held in Mexico City from 3 to 6 August 2009, attended by participants from Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and Panama;

(e) The subregional workshop on terrorism financing, organized in cooperation with CICTE/OAS and CICAD/OAS, held in San José from 3 to 6 February 2009 and attended by participants from Bolivia (Plurinational State of), Brazil, Costa Rica, Ecuador, Honduras and Paraguay.

33. Criminal justice practitioners from Antigua and Barbuda, the British Virgin Islands, Montserrat, Saint Lucia and Saint Vincent and the Grenadines participated in a subregional workshop held in Saint Kitts and Nevis from 9 to 12 February 2010.

34. National-level workshops were held in Costa Rica (5-9 April 2010), Papua New Guinea (8-9 February 2010), Indonesia (25-26 February 2010), Yemen (7-11 December 2009), Lebanon (30 November-5 December 2009) and Algeria (17-19 March 2009). The Branch also participated in discussions on draft legislation in Indonesia (17-19 November and 18-19 June 2009). In cooperation with the International Monetary Fund, the World Bank, the Middle East and North Africa Financial Action Task Force (MENAFATF) and the Special Investigation Commission of Lebanon, a workshop for financial intelligence units and criminal justice and law enforcement agencies of Iraq was held in Beirut from 12 to 16 February 2009.

35. Workshops in Paraguay (23-26 March 2010), Colombia (26-29 January 2010), the Bahamas (24-27 November 2009) and Peru (October 2009) provided criminal justice practitioners with specialized training on investigative and prosecutorial strategies against terrorism and devoted attention to the issue of the financing of terrorism.

36. During the period under review, the Global Programme against Money-Laundering continued to encourage the development of policies to counter money-laundering and the financing of terrorism, raise awareness of cross-cutting aspects and act as a centre of expertise. The Global Programme has been providing hands-on advice and assistance to practitioners in the field of countering money-laundering and the financing of terrorism from more than 90 jurisdictions. Specific initiatives are built based on the elements of awareness-raising and capacity- and institution-building, in particular the setting-up and operation of financial intelligence units, the delivery of technical assistance and training at the national and regional levels. The work of the Global Programme is supported by technical advisers in the field who provide in-depth assistance to countries or groups of countries. Those field experts are also drawn upon to service relevant national and regional workshops organized by the Branch. The Global Programme further promotes the involvement of local professionals in the creation and delivery of training programmes, donor coordination meetings and the activities of Financial Action Task Force on Money Laundering (FATF)-style regional bodies.

37. The Global Programme against Money-Laundering also continued to expand its International Money-Laundering Information Network (IMoLIN), a one-stop research resource, administered on behalf of a partnership of international organizations. The Global Programme manages the Anti-Money-Laundering International Database, a password-protected and easily searchable repository of laws from some 185 jurisdictions.

4. Preventing nuclear, chemical, biological and radiological terrorism

38. The Branch organized specific activities to assist countries in drafting counter-terrorism legislation incorporating the internationally agreed obligations on nuclear terrorism, in close cooperation with the International Atomic Energy Agency (IAEA) and with the expert staff of the Security Council Committee established pursuant to Council resolution 1540 (2004).

39. Specialized regional activities included a workshop on nuclear terrorism for the States members of GUAM held in Kyiv on 22 and 23 July 2009 and a regional workshop on the suppression of acts of nuclear terrorism held in Buenos Aires from 2 to 4 June 2009, attended by participants from Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Suriname, Uruguay and Venezuela (Bolivarian Republic of).

40. The Branch has increasingly been paying attention to the international legal instruments related to chemical and biological terrorism. For example, it jointly organized, with OSCE and the United Nations Regional Centre for Preventive Diplomacy for Central Asia, a regional workshop for Central Asian countries on non-proliferation and international legal cooperation against biological, chemical and nuclear terrorism, held in Ashgabat on 2 and 3 December 2009. The workshop was attended by participants from Afghanistan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan.

41. A national-level legislative drafting workshop on the criminal law aspects of the universal legal framework against nuclear terrorism was organized in Armenia (16-20 February 2009) and national training workshops on the 2005

international instruments were held in Tunisia (2-3 December 2009) and the Sudan (14-16 April 2009).

42. The Branch received observer status with the Global Initiative to Combat Nuclear Terrorism in August 2009 and was asked by the co-chairs to contribute to the work of Global Initiative on legal issues. As in previous years, the Branch also worked closely with the International School of Nuclear Law in Montpellier, France, including with regard to a course on nuclear law for the Asian Region, held in March 2010.

43. UNODC co-organized, with IAEA, the International Symposium on Nuclear Security, held from 30 March to 3 April 2009, and co-chaired the meeting on the elaboration of nuclear security recommendations related to the detection of and response to criminal and unauthorized acts involving nuclear and other radioactive material out of regulatory control (23-27 March 2009). More recently, UNODC participated in the IAEA workshop on implementing legislation on nuclear security for some Asian countries, held in Vienna (26-27 April 2010).

44. The Branch also enhanced its cooperation with the Organization for the Prohibition of Chemical Weapons, including through participation in the International Seminar on National Implementation of Non-Proliferation Obligations, held in Jahorina, Bosnia and Herzegovina, on 22 and 23 June 2009.

5. Enhancing procedural aspects of countering terrorism related to the rule of law

45. In accordance with the United Nations Global Counter-Terrorism Strategy,[3] all work by UNODC in the area of counter-terrorism seeks to reinforce the principle that effective counter-terrorism measures and respect for the rule of law are complementary and mutually reinforcing goals.

46. During the period under review, special attention was devoted to human rights challenges, for example in the subregional workshop on counter-terrorism and human rights organized in cooperation with the Government of Qatar and held in Doha on 11 and 12 May 2009, attended by participants from Bahrain, Qatar, Saudi Arabia and the United Arab Emirates.

47. Another highlight was the expert group meeting on a coordinated approach to bringing terrorists to justice in the light of human rights, held in Copenhagen on 19 and 20 May 2009, on the occasion of the sixtieth anniversary of the Universal Declaration of Human Rights.[4] Participants discussed various aspects of the international obligation to bring terrorists to justice while giving due respect for human rights and fundamental freedoms and the interrelation between those aspects and different areas of international law (human rights law, refugee law and the Security Council sanction regime against Al-Qaida and the Taliban).

48. A national-level capacity-building workshop for criminal justice officials in Colombia, which was held on 25 and 26 February 2010, focused on the interrelation between the international legal framework to combat terrorism, international humanitarian law and human rights law.

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[3] General Assembly resolution 60/288.

[4] Assembly resolution 217 A (III).

49. The Branch also continued to organize capacity-building activities for criminal justice officials of Iraq, including a workshop on criminal justice capacity-building support in the area of counter-terrorism and terrorism-related crimes, held in Cairo from 27 and 30 April 2009, as well as a national legislative expert workshop for Iraq, organized in partnership with the United Nations Assistance Mission for Iraq and held in Baghdad on 14 and 15 January 2009.

50. Practical training was also given to senior judges and prosecutors from Algeria (17-26 January 2010) during a study tour to Italy, the Netherlands and Spain. Study tours were also organized for senior criminal justice practitioners from Pakistan (19-20 November 2009) and Afghanistan (18-24 June 2009) to Germany and Romania respectively.

51. Also relevant are UNODC technical assistance projects aimed at improving the management and operation of law enforcement agencies, the judiciary and penitentiary systems, in accordance with United Nations standards and norms on crime prevention and criminal justice.

C. Partnerships for delivery

52. The successful delivery of technical assistance has been fostered through enhanced coordination and partnerships with other entities and organizations.

1. Cooperation with Security Council bodies dealing with counter-terrorism

53. The counter-terrorism work of UNODC is carried out in close cooperation with the Counter-Terrorism Committee of the Security Council and its Executive Directorate. The functions of these entities are fully complementary and mutually supportive: the political, policy, coordination and facilitation work of the Counter-Terrorism Committee and its Executive Directorate precedes and guides the work of UNODC in delivering technical assistance; the technical assistance work of UNODC in turn helps countries to address the legal and related gaps and needs identified in their counter-terrorism capacity and helps the Counter-Terrorism Committee and its Executive Directorate to verify the measures taken by the countries in that regard.

54. Effective working arrangements are in place. During the period under review, the following activities were carried out:

(a) UNODC participated in visits of the Counter-Terrorism Committee and its Executive Directorate to Azerbaijan, Ghana, the Libyan Arab Republic, Panama, Senegal, Timor-Leste, Uzbekistan, Brunei Darussalam, Tunisia and Yemen;

(b) Experts of the Counter-Terrorism Committee and its Executive Directorate participated in UNODC activities and provided briefings on the role of the Committee and priorities under Security Council resolution 1373 (2001), including during national-level activities in Paraguay (March 2010) and Haiti (October 2009);

(c) Consultations with the Counter-Terrorism Committee and its Executive Directorate took place in the planning of UNODC activities. Mission reports and matrices of ongoing and planned technical assistance activities were shared;

(d) UNODC, upon confirmation of request, provided technical assistance in legal and related capacity-building areas to those States referred to it by the Counter-Terrorism Committee and its Executive Directorate;

(e) UNODC continued to assist requesting Member States in compiling the elements needed for the submission of their responses to the Counter-Terrorism Committee.

55. At a briefing by the Chief of the Branch to the Counter-Terrorism Committee on 30 April 2009, ways to further strengthen cooperation were discussed.

56. Cooperation has been strengthened with the Security Council Committee established pursuant to resolution 1267 (1999), concerning Al-Qaida and the Taliban and associated individuals and entities, and its Analytical Support and Sanctions Monitoring Team. Regular consultations, including with the Chief of the Branch, were undertaken with the Committee and its Monitoring Team. The Branch organized, jointly with the Committee's Monitoring Team, national workshops in Togo (24-25 March 2009) and the Dominican Republic (10-13 February 2009).

57. Cooperation has also been enhanced with the Security Council Committee established pursuant to resolution 1540 (2004), on the non-proliferation of weapons of mass destruction, and its group of experts. On 15 December 2009, the Chief of the Branch briefed the Committee's group of experts and the working group on cooperation with international organizations, highlighting areas where technical assistance work by UNODC is contributing to the work of the Committee.

58. The Branch continued to organize subregional workshops on report-writing pursuant to the common strategy on reporting approved by the three Security Council committees. In its resolution 1904 (2009), the Security Council encouraged the Monitoring Team and UNODC to continue their joint activities, in cooperation with Counter-Terrorism Committee Executive Directorate and the experts of the Committee established pursuant to resolution 1540 (2004), to assist Member States in their efforts to comply with their obligations under the relevant resolutions, including by organizing regional and subregional workshops. A workshop on specialized assistance on reporting obligations to the Security Council was held for 13 Caribbean countries in Basseterre from 7 to 9 July 2009 and a subregional workshop on the preparation of responses to the three Security Council committees was held for 10 Middle Eastern countries in Abu Dhabi from 28 to 30 June 2009. The Branch also facilitated the organization of videoconferences linking the Security Council committees with national authorities of Member States, including for officials of the Central African Republic (11 May 2009) and Equatorial Guinea (5 May 2009).

2. Participation in the Counter-Terrorism Implementation Task Force

59. UNODC actively participates in the Counter-Terrorism Implementation Task Force, which brings together some 30 United System actors and INTERPOL, thus ensuring that its counter-terrorism work is carried out in the broader context of United Nations system-wide efforts. The Branch provided coordinated UNODC input for the various initiatives of the Task Force. The Branch hosted the retreat of the Task Force in Vienna on 14 and 15 October 2009 and participated in the retreat in New York in February 2010 and in the informal briefing to the General Assembly on 3 March 2009.

60. Together with the Executive Office of the Secretary-General and the Counter-Terrorism Committee Executive Directorate, UNODC is coordinating the Task Force's Integrated Assistance for Countering Terrorism initiative, which enables partnering Member States to address to Task Force entities their requests for strategy-related assistance related to all four pillars of the Global Counter-Terrorism Strategy in a user-friendly way, via a single access point. The initiative helps to avoid duplication of work, makes use of increased consultation and maximizes the impact of assistance delivery. In 2009, UNODC set up an Internet-based interactive information system that serves as a key mechanism for communication among Task Force members in implementing the Integrated Assistance for Countering Terrorism initiative. The system also facilitates the compilation of identified needs and assistance activities undertaken by Task Force members with respect to the first partnering Member States: Burkina Faso, Madagascar and Nigeria. That initial compilation serves as the basis for the elaboration of action plans for assistance delivery. The initiative is implemented in close consultation with the partnering countries. Next steps with regard to implementation in Nigeria were discussed during a mission undertaken in February 2010.

61. Together with the International Monetary Fund and the World Bank, UNODC co-chairs the Counter-Terrorism Implementation Task Force working group on tackling the financing of terrorism. The working group has produced a report containing a set of recommendations aimed at helping Member States effectively implement existing international standards on combating the financing of terrorism. The report was launched in Vienna in October 2009. The Working Group is in the process of developing an implementation plan.

62. UNODC is actively involved in the Counter-Terrorism Implementation Task Force working group on protecting human rights while countering terrorism, which is developing a set of basic human rights reference guides on specific issues. The Branch participated in a working group briefing for Member States held in New York in May 2009 and has contributed to the elaboration of the first human rights reference guides on the following issues: the principle of legality in national counter-terrorism law, stopping and searching of persons, designing security infrastructure and the proscription of terrorist organizations under domestic legislation.

63. UNODC is an active member of the Counter-Terrorism Implementation Task Force working group on countering the use of the Internet for terrorist purposes. UNODC co-organized, together with the Task Force and the Government of Germany, a workshop on countering terrorist use of the Internet: addressing legal aspects, held in Berlin on 25 and 26 January 2010, and participated in the workshop on countering terrorist use of the Internet: technical issues, held in Seattle in February 2010. Based on the outcome of those meetings, the working group is developing a comprehensive guide containing an overview of the challenges, potential best practices and recommendations.

64. UNODC is participating in the Counter-Terrorism Implementation Task Force working group on preventing and resolving conflicts, which examines how the United Nations can better support the efforts of Governments and regional and subregional organizations to prevent and resolve conflict in Central Asia and West Africa.

65. In addition, in February 2010 UNODC joined the Counter-Terrorism Implementation Task Force working group on preventing and responding to terrorist attacks using weapons of mass destruction and participated in the workshop on international response and mitigation of a terrorist attack using nuclear and radiological weapons or materials hosted by IAEA in Vienna in March 2010. UNODC also joined the working group on supporting and highlighting victims of terrorism, which assists Member States in implementing the recommendations contained in the report on the symposium on supporting victims of terrorism held in September 2008.

3. Partnerships with other organizations

66. In implementing its technical assistance activities, the Branch continued to work with many international partners — the Commonwealth Secretariat, the Counter-Terrorism Action Group of the Group of Eight, FATF, IAEA, the International Civil Aviation Organization, the International Development Law Organization, the International Legal Assistance Consortium and its member organizations, the International Monetary Fund, the International Maritime Organization, INTERPOL, the International Organization for Migration, the Organization of the Islamic Conference, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, OPCW and the World Bank — as well as with a large number of regional and subregional partners, such as the African Union, the Association of Regional Magistrates of Southern Africa, ASEAN, the Central African Economic and Monetary Community, OAS/CICTE, the Commonwealth of Independent States, the Common Market for Eastern and Southern Africa, the Cooperation Council for the Arab States of the Gulf, the Council of Europe, the Economic Community of Central African States, ECOWAS, the European Union, Eurojust, the Capacity-building Programme against Terrorism of the Intergovernmental Authority on Development, the Indian Ocean Commission, the League of Arab States, OSCE, the Naif Arab University for Security Studies, the Southern African Development Community and UEMOA.

67. All activities implemented in the Americas are jointly planned and carried out with OAS/CICTE to ensure full complementarity of programmes and action.

68. A similar partnership exists with OSCE for activities undertaken in Eastern European and Central Asian countries. On 29 and 30 April 2010, OSCE and UNODC jointly organized a workshop for European and Central Asian countries on the 2005 legal instruments against terrorism and the implementation of their provision in national legislation. Another joint initiative was the subregional workshop on domestic legal implications of Security Council resolutions and financial sanctions against terrorism, held in Bucharest on 1 and 2 April 2009 and attended by participants of 14 European and Central Asian countries. The Branch also closely cooperates with the Council of Europe, including in specific thematic areas, such as through participation in the OAS/CICTE and Council of Europe joint Conference on Terrorism and Cybersecurity, held in Madrid on 16-17 April 2009.

69. UNODC has strengthened the exchange of information with the European Union, with whom it also engages in a regular policy dialogue. At the request of Governments holding the Presidency of the European Union, the Branch provided briefings to the Council of the European Union Working Party on Terrorism in

March 2010 and April 2009. A briefing on the Branch's work in the area of providing support to victims of crime within criminal proceedings was provided to the Terrorism Working Group) of the European Union in March 2010. Regular consultations were held with the Counter-Terrorism Coordinator of the European Union, including during his mission to Vienna in October 2009. The partnership with Eurojust has been further enhanced through the involvement of Eurojust representatives in UNODC training activities.

70. Partnership activities have continued to be undertaken with the Pacific Islands Forum Secretariat, including through the organization of a subregional workshop on counter-terrorism, legislative initiatives and international cooperation, held in Suva on 1 and 2 June 2009, attended by representatives of Australia and 11 Pacific island countries.

71. In line with the overall UNODC plan of action for Africa, the Branch and the Intergovernmental Authority on Development, through its Capacity-building Programme against Terrorism, have established a partnership to jointly provide more effective technical assistance on the legal and related aspects of counter-terrorism, to avoid duplication of efforts and ensure the provision of relevant substantive input.

72. The Branch participated in a workshop, organized by the African Centre for Studies and Research on Terrorism, on law enforcement and combating terrorism for Member States of West Africa, in Algiers in June 2009.

73. The Branch also cooperated with the Magna Carta Institute, including through participation in its international conference on a global model to counter terrorism held in Brussels in December 2009, and participated in workshops organized by the Center on Global Counterterrorism Cooperation, including those focusing on the implementation of the United Nations Global Counter-Terrorism Strategy in North Africa (held in The Hague in September 2009) and in West Africa (held in Brussels in September 2009 and in Abuja in February 2010).

4. Cooperation with recipient and donor countries

74. To ensure that the assistance delivered is tailored to the needs of each assisted country, the Branch works with the representatives and experts of recipient countries. In addition to the formal communications pursued through the official channels of the permanent missions to the United Nations in Vienna and New York and ministries of foreign affairs, extensive consultations and working-level contacts are maintained with the various ministries, as well as with the judicial and prosecutorial services.

75. The Branch is most grateful to its donors for their invaluable substantive and financial support, without which the Branch would not be able to carry out its activities. Between January 2003 and 30 April 2010, voluntary contributions (paid and pledged) totalled $43,471,588. Contributions were made by Austria, Belgium, Canada, Colombia, Denmark, France, Germany, Greece, Israel, Italy, Japan, Liechtenstein, Monaco, the Netherlands, New Zealand, Norway, Romania, Spain, Sweden, Switzerland, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America, as well as by the Indian Ocean Commission, the International Organization of la Francophonie, the International Maritime Organization, INTERPOL and OSCE.

D. Evaluating delivery and assessing impact

76. In its comprehensive 2007 evaluation of the Global Project on Strengthening the Legal Regime against Terrorism, the Independent Evaluation Unit of UNODC reached very positive conclusions regarding the relevance, effectiveness and efficiency of the Global Project in delivering technical assistance, the efficiency of the overall management of the Global Project by the Branch and the sustainability of the benefits generated by the Global Project. The Branch has taken action to implement the recommendations made, including by developing a comprehensive strategy that lays out its vision, focus and approach regarding capacity development. The Branch has reviewed its project document and is elaborating a set of qualitative achievement indicators that should help the Branch to better assess, through the feedback received from participants, the impact of its capacity-building activities on the ability of participants to successfully investigate and prosecute terrorism cases.

77. Strong results-based management and reporting tools have helped the Branch to demonstrate measurable results. The Branch has been using several tangible indicators, such as increases in the number of States becoming parties to the international legal instruments, the number of countries that have been provided with assistance in drafting legislation and the number of national officials who have been trained.

78. An estimated 529 ratifications of the international legal instruments were undertaken by assisted Member States since 2003, with 53 ratifications made in 2009 and an additional seven prior to 30 April 2010. In January 2003, when the Global Project started, only 26 States had ratified the first 12 instruments. As of 30 April 2010, 107 States had ratified the 12 instruments. Similarly, 98 States had ratified six or fewer of the 12 instruments in January 2003. As at 30 April 2010, the number of States in that category had been brought down to 24.

79. In addition, at least 69 States assisted by the Branch have taken steps to incorporate the provisions of the international legal instruments into national legislation: 31 States have adopted new anti-terrorism legislation, and at least another 38 States are preparing new anti-terrorism legislation.

80. Since the launch of the project, approximately 10,000 national criminal justice officials have been provided with specialized training. Approximately 1,500 of them were trained in 2009 and some 800 more in the first four months of 2010.

III. Challenges ahead

81. Much work remains to be done to achieve universal adherence and full implementation of the international instruments. As at 30 April 2010, only 3 of the 192 Member States were parties to all 16 international legal instruments. The Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation[5] and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the

[5] Adopted on 14 October 2005 by the Diplomatic Conference on the Revision of the SUA Treaties (LEG/CONF.15/21).

Continental Shelf[6] will enter into force on 28 July 2010. The Amendment to the Convention on the Physical Protection of Nuclear Material[7] has not yet received the sufficient number of ratifications or accessions to enter into force.

82. Moreover, the process of legislative incorporation of the provisions of those instruments into national legislation is a long-term and labour-intensive effort, requiring the review, drafting or amending of a complex set of provisions encompassing substantive law, procedural aspects and provisions on international cooperation in criminal matters.

83. Furthermore, the capacity of national criminal justice officials to apply the international provisions and related national legislation in their day-to-day work remains limited. Officials frequently lack the required procedures, policies and practices and the substantive knowledge and skills to apply national counter-terrorism legislation in accordance with the rule of law and human rights. They rarely have the specialized knowledge needed on financing of terrorism or nuclear, chemical, biological and radiological terrorism or for adequately responding to legal issues related to victims of terrorism in criminal proceedings. Officials often lack the skills and mutual trust needed to participate in related international cooperation in criminal matters.

84. Strengthening operational partnerships and mobilizing increased substantive and financial support by Member States is crucial to meet these challenges.

A. Enhancing the delivery of assistance through modalities providing a conducive response to the evolving needs of Member States

85. The Branch is undertaking a regular review and refinement of the content of services provided to ensure that those remain pertinent and fully aligned with the actual and emerging needs and requirements of requesting States. The Branch needs to continue providing assistance for the ratification and legislative implementation of the international instruments and focus on instruments with a lower ratification rate. Special efforts are made to engage with executive branch decision makers and with parliamentarians, whose support is needed during the ratification process or for the adoption of necessary domestic legislation.

86. There is an increased need for in-depth and continued national-level capacity-building assistance to help criminal justice practitioners with the investigation and adjudication of actual cases and the prosecution of offenders. An effective response to terrorism requires a criminal justice system capable of functioning in an integrated fashion, able to rely on the contribution of all of its components. One of the challenges ahead is to extend the tailored capacity-building efforts, which currently reach judges and prosecutors, to other professional groups of the criminal justice system such as defence lawyers, attorneys representing victims and correctional officers.

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[6] Adopted on 14 October 2005 by the Diplomatic Conference on the Revision of the SUA Treaties (LEG/CONF.15/22).

[7] Adopted on 8 July 2005 by the Conference to Consider Proposed Amendments to the Convention on the Physical Protection of Nuclear Material.

87. Special efforts are required to take care of the legal needs of victims of terrorism. UNODC needs to step up its efforts to provide, upon request, technical assistance for building domestic capacity regarding criminal justice aspects of providing support for victims of terrorism, drawing on the international legal framework and recognized standards and norms.

88. Because of the increasingly complex nature of terrorism, the Branch is challenged to respond to the need for in-depth expertise on specific thematic counter-terrorism legal issues in areas such as international cooperation in criminal matters pertaining to counter-terrorism, nuclear, chemical, biological and radiological terrorism, maritime terrorism, financing of terrorism and countering the use of the Internet for purposes of terrorism, and to expand its provision of specialized services in these areas.

89. Overall, the Branch should work towards long-term capacity-building programmes, providing in-depth training to all relevant stakeholders, based on a steady dissemination of easy accessible training materials, backstopped by effective follow-up and reinforced by ongoing support services on the ground. In that regard, UNODC is increasingly pursuing a train-the-trainers approach by involving national training institutions and by strengthening the expertise of those institutions through the elaboration of counter-terrorism modules for integration in their national curricula.

90. The furthering of online training activities is supported by the positive feedback received from participants. The Branch is in the process of setting up its own online platform, which will also be used as a permanent virtual forum. The platform will enable participants of online training courses and national and regional training workshops to remain connected with the training facilitators at the Branch and with each other and, thus, to remain abreast of new developments and benefit from continued networking and mutual learning, which will enhance the sustainability of the capacity-building activities.

91. A long-term sustained engagement is facilitated by a field-based delivery approach. The placement of terrorism prevention experts in UNODC field offices has enabled the Branch to work closely with local officials in designing and implementing activities. The Branch envisages that its programming and delivery capacity will be further decentralized in order to respond to the evolving needs of the recipient countries more effectively.

92. A strengthened field-based approach also facilitates the full integration of the Branch's counter-terrorism activities in UNODC regional and country programmes. That approach responds to the increasing demand for more comprehensive packages of technical assistance that encompass assistance on terrorism prevention as well as criminal justice, corruption prevention and transnational organized crime.

B. Mobilizing increased support from Member States

93. Thanks to the financial support provided by its 23 donor countries, the Branch has been able to establish, both at headquarters and in selected field locations, a core pool of expertise and the basic secretariat capacity for the effective planning,

delivery, coordination and management of technical assistance and related partnerships.

94. An unexpected large contribution in December 2009 meant that the total amount of voluntary contributions to the Branch in 2009 was above the 2008 benchmark of $8 million. Notwithstanding those contributions, the vulnerability of the funding situation of the Branch became apparent in 2009, when the Branch had to downsize its operations due to funding uncertainty and cash-flow problems.

95. The Branch's reliance on voluntary contributions makes long-term planning, including maintenance of necessary technical expertise, challenging. Funding uncertainty remains a key issue in 2010. The Branch has designed a revised management model to better equip it to deal with a volatile funding situation. The model contains a set of measures ensuring the full integration of UNODC counter-terrorism activities into its relevant regional and country-specific programmes, as well as adjustments in the structure of the Branch at headquarters and in the field.

96. Dependence on extrabudgetary resources for core expertise and basic secretariat functions is not tenable. In order to preserve that core expertise and to be able to deliver the basic secretariat functions expected by Member States, these capacities need to be stabilized and ensured through increased regular budget allocations. Except for the addition of a junior-level post approved in December 2007, the regular budget allocation has remained at almost the same level since 2003. Stable regular budget resources are needed also to ensure that the Branch can respond to new mandates and deliver with respect to specialized thematic areas.

97. Moreover, the Branch needs predictable, multi-year, non-earmarked funding to be able to continue to conduct key technical assistance activities with a view to implementing its global mandate. The Branch has elaborated a new fundraising strategy, based on the definition of continued core resources needed to sustain its work, which serves as a baseline for project planning and implementation. Additional resources are required to be able to provide more in-depth and long-term national-level capacity-building assistance. In that regard, bearing in mind the importance of a properly functioning criminal justice system to prevent terrorism with a view to attaining sustainable economic and social development in recipient countries, it might be worthwhile for donor States to explore whether development funds could increasingly be drawn on to support the activities of the Branch.

IV. Conclusions and recommendations

98. Given the continued threat posed by terrorism, it is imperative to sustain focused attention and provide sustained support to the efforts to strengthen the legal regime against terrorism and the delivery of assistance for enhancing related national capacities. As underlined in the United Nations Global Counter-Terrorism Strategy, establishing a criminal justice response to terrorism that is based on the rule of law is key to global counter-terrorism efforts and the backbone and prerequisite for other initiatives.

99. The requests for assistance received by the Branch demonstrate the need for more sustained capacity-building, in addition to the need for continued assistance for the ratification and legislative implementation of the international legal instruments. There is a particular need for more long-term, in-depth, tailored assistance on the ground, reaching out to the criminal justice practitioners involved in the investigation and adjudication of concrete cases. UNODC should also continue to assist in reinforcing mechanisms for international cooperation in criminal matters to counter terrorism, including by providing support for the establishment of relevant networks, platforms or other mechanisms.

100. The requests for assistance demonstrate the need to enhance the building and delivery of specialized substantive expertise in thematic areas such as nuclear, chemical, biological and radiological terrorism, maritime issues, financing of terrorism and countering the use of the Internet for terrorist purposes. There is a demand for more comprehensive packages of assistance that enable criminal justice practitioners to deal with a range of crimes potentially linked to terrorism.

101. In response to the call made by the General Assembly in its resolution 64/168, the Branch should also provide capacity-building assistance with regard to criminal justice aspects of providing support for victims of terrorism. UNODC should, within the context of its counter-terrorism assistance delivery, enhance the promotion and dissemination of United Nations standards and norms in crime prevention and criminal justice.

102. The Branch should also make increased use of innovative and cost-effective training modalities such as online and computer-based courses to implement its global mandate.

103. The General Assembly may wish to provide further guidance with regard to the reinforcement of UNODC technical assistance work on criminal justice aspects of countering terrorism, in terms of both content and delivery methodologies, with a view to better tailoring assistance to the evolving needs of Member States.

104. UNODC, in particular its Terrorism Prevention Branch, is strongly committed to continuing to assist Member States in meeting their needs. It will therefore continue to explore the creation of synergies with other United Nations entities, including within the framework of the Counter-Terrorism Implementation Task Force, and continue to work with partner entities at the international, regional and subregional levels in counter-terrorism assistance delivery.

105. The General Assembly may wish to invite the bodies of the Security Council dealing with counter-terrorism, the office of the Counter-Terrorism Implementation Task Force and relevant international, regional and subregional organizations to enhance their cooperation with UNODC on counter-terrorism issues. The Assembly might also wish to provide guidance as to how the complementarity of mandated work between UNODC and the other United Nations entities working on counter-terrorism issues can be maximized.

106. UNODC relies on Member States to step up their political and financial support so that it can continue to assist States in implementing a fully functional international legal regime against terrorism that is based on the rule of law. Whereas donor countries have provided invaluable voluntary contributions, it is important to bear in mind that the current level of resources is inadequate to meet the increasing

requests and the corresponding required enhancement in activities and substantive initiatives. Member States should therefore provide sufficient resources to make the counter-terrorism technical assistance work of the Branch sustainable, through an adequate increase in regular budget resources and through the provision of predictable, multi-year extrabudgetary resources.

107. The General Assembly may wish to express gratitude to donor countries for the voluntary contributions made available to UNODC for its counter-terrorism work and invite Member States to increase the level of extrabudgetary and regular budget resources for implementing UNODC activities in the area of terrorism prevention.

United Nations A/65/92

General Assembly

Distr.: General
10 June 2010

Original: English

Sixty-fifth session
Item 107 of the preliminary list*
Crime prevention and criminal justice

Twelfth United Nations Congress on Crime Prevention and Criminal Justice

Report of the Secretary-General

Summary

The present report, to be considered in conjunction with the Report of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice (A/CONF.213/18), has been prepared pursuant to General Assembly resolution 64/180. It highlights the main features of the Twelfth Congress, including the high-level segment, the discussions on the substantive items on its agenda and the outcome of the workshops held within the framework of the Congress, as well as the adoption of the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World. The report also contains a summary of the deliberations on the conclusions and recommendations of the Twelfth Congress that took place during the nineteenth session of the Commission on Crime Prevention and Criminal Justice.

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1. The Twelfth United Nations Congress on Crime Prevention and Criminal Justice was held in Salvador, Brazil, from 12 to 19 April 2010, with pre-congress consultations held on 11 April 2010. The main theme of the Congress was "Comprehensive strategies for global challenges: crime prevention and criminal justice systems and their development in a changing world". More than 2,000 persons participated in the Congress; the participants included 73 government ministers, attorneys general and other high-level officials, in addition to other government representatives, observers for 17 inter-governmental organizations and 45 non-governmental organizations and more than 190 individual experts.

2. The broad agenda of the Congress provided a platform enabling the international community to take stock of the world crime situation and to assess its preparedness to deal with related challenges, particularly with emerging crime threats. In discussing both the substantive items of the agenda of the Congress and the topics of its workshops, the participants stressed the irreplaceable role of the United Nations and, in particular, the United Nations Office on Drugs and Crime (UNODC), in reinforcing prevention strategies, in criminal justice reform and in the fight against various forms of transnational crime. They also emphasized that crime prevention and criminal justice needed to be at the centre of efforts to promote good governance and the rule of law and achieve long-lasting and sustainable development. From this angle, the provision of technical assistance was considered important for pursuing and accomplishing tangible results with a long-term perspective in the prevention, prosecution and punishment of crime, in particular through building, modernizing and strengthening criminal justice systems.

3. An important recommendation emerging from Congress deliberations was that the United Nations standards and norms in crime prevention and criminal justice should be fully implemented and disseminated in order to ensure greater respect for the rule of law and human rights, contributing in turn to the further promotion of economic and social development. Many speakers expressed support for all initiatives aimed at reviewing and updating these standards and norms so that they can better address new challenges and needs, and at fostering their wider application by Member States. Moreover, some of the recurrent conclusions drawn from Congress discussions were related to the urgent need to address the root causes of crime and adopt comprehensive crime prevention strategies; and to the priority that crime prevention interventions should accord to the needs of victims of crime so as to reduce re-victimization and repeat offending.

4. At the Congress, and then at the nineteenth session of the Commission on Crime Prevention and Criminal Justice, it was recognized that the Congress was a unique event that combined political leverage and expertise, and served as a forum for the worldwide sharing of knowledge and exchange of experience. The importance of the conclusions and recommendations of the Congress were also recognized. Gratitude was expressed during the Congress and the nineteenth session of the Commission to the people and Government of Brazil for their warm and generous hospitality and for the excellent organization of the Congress.

5. Extensive preparations had taken place prior to the Congress. On the recommendation of the Commission, the body charged with coordinating preparations for the Congress, the General Assembly adopted its resolution 63/193, in which it approved the provisional agenda for the Congress, including the substantive items of the agenda; decided on the issues to be considered by the

workshops to be held within the framework of the Congress; and also decided that the high-level segment should be held during the last two days of the Congress.

6. In cooperation with the host Governments, the United Nations regional economic and social commissions and the United Nations crime prevention and criminal justice programme network of institutes, four regional preparatory meetings for the Twelfth Congress were held in 2009: (a) the Latin American and Caribbean Regional Preparatory Meeting, held in San José from 25 to 27 May 2009; (b) the Western Asian Regional Preparatory Meeting, held in Doha from 1 to 3 June 2009; (c) the Asian and Pacific Regional Preparatory Meeting, held in Bangkok from 1 to 3 July 2009; and the African Regional Preparatory Meeting, held in Nairobi from 8 to 10 September 2009.[1]

7. Pursuant to General Assembly resolution 63/193, a discussion guide (A/CONF.213/PM.1) was prepared by the Secretariat in cooperation with the institutes of the United Nations crime prevention and criminal justice programme network of institutes, to better frame the pre-Congress discussions held within the regional groups and enable those discussions to produce concrete results.

8. The Congress was convened in accordance with paragraph (d) of the annex to General Assembly resolution 415 (V), which provided for the convening every five years of an international congress in the field, as well as in pursuance of Assembly resolutions 46/152, annex, 56/119, 62/173, 63/193 and 64/180.

9. In conformity with the practice followed at United Nations special conferences and with General Assembly resolution 56/119, pre-Congress consultations were held on 11 April 2010. Participation in the consultations was open to representatives of all States invited to the Congress. A number of recommendations on the organization of work of the Congress were agreed upon in the course of the consultations.

10. The Congress had before it a report of the Secretary-General on the state of crime and criminal justice worldwide (A/CONF.213/3), prepared pursuant to General Assembly resolution 64/180 and in accordance with past practice. The report highlighted the challenges faced in measuring the nature and extent of crime and the response of criminal justice systems. The representative of UNODC who introduced the report at the Congress noted that current UNODC priorities for crime measurement included specific forms of transnational organized crime, the crime of intentional homicide and acts of corruption. In this regard, the UNODC representative highlighted that the information that Member States regularly shared with the international community through the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems was crucial for effective policy and operational responses at the international level.

11. In accordance with General Assembly resolution 63/193, the high-level segment of the Congress was held to allow Heads of State or Government and Government ministers to focus on the main substantive agenda items of the Congress. The Government ministers and other high-level Government officials who participated in the high-level segment highlighted the opportunity that the

[1] For the reports of the regional preparatory meetings, see A/CONF.213/RPM.1/1, A/CONF.213/RPM.2/1, A/CONF.213/RPM.3/1 and A/CONF.213/RPM.4/1.

Congress presented for the international community to provide a strategic orientation for developing tools for the prevention of crime and the prosecution and punishment of offenders. They also underscored the importance of integrating measures to tackle crime with initiatives on sustainable development, human rights, social inclusiveness, the rule of law and good governance. In this vein, participants emphasized that crime prevention and criminal justice needed to be central to good governance and the rule of law. Preventing crime and ensuring efficient criminal justice systems were also regarded as preconditions for a stable and prosperous global economy. The role of education and training as a means of capacity-building in the criminal justice system was further highlighted. A significant number of participants drew attention to the global problem of overcrowding in prisons and called for the increased use of alternatives to detention and of restorative justice programmes to replace exclusively punitive responses to crime. Speakers also discussed an array of initiatives relating to juvenile justice, as well as measures designed to discourage youth crime and address juvenile delinquency in a holistic and comprehensive manner. Speakers called for comprehensive crime prevention strategies to combat crime directly at its roots. Furthermore, speakers strongly condemned all forms of violence against women, including violence against women migrant workers, and called on the international community to prevent such crimes and prosecute and punish the perpetrators in accordance with national legislation. In addition, the threats posed by the misuse of new technologies, including cybercrime, were stressed and measures to address those threats effectively were discussed. In underlining the growing links between drug trafficking, organized crime, trafficking in human beings, corruption and money-laundering, speakers highlighted that international cooperation in criminal matters must be further enhanced.

12. The Congress considered the following substantive items of the agenda:

(a) Children, youth and crime;

(b) Provision of technical assistance to facilitate the ratification and implementation of the international instruments related to the prevention and suppression of terrorism;

(c) Making the United Nations guidelines on crime prevention work;

(d) Criminal justice responses to the smuggling of migrants and trafficking in persons: links to transnational organized crime;

(e) International cooperation to address money-laundering based on relevant United Nations and other instruments;

(f) Recent developments in the use of science and technology by offenders and by competent authorities in fighting crime, including the case of cybercrime;

(g) Strengthening international cooperation in fighting crime-related problems: practical approaches;

(h) Crime prevention and criminal justice responses to violence against migrants, migrant workers and their families.

13. For its consideration of those items, the Congress had before it the relevant working papers (A/CONF.213/4, A/CONF.213/5, A/CONF.213/6, A/CONF.213/7, A/CONF.213/8, A/CONF.213/9, A/CONF.213/10 and A/CONF.213/11), as well as

the discussion guide prepared by the Secretariat and the reports of the regional preparatory meetings. The conclusions and recommendations made by the Congress under each of those agenda items are included in the report of the Congress (A/CONF.213/18, chap. V).

14. In accordance with General Assembly resolution 63/193, workshops were organized, with the assistance of the institutes of the United Nations crime prevention and criminal justice programme network, on the following topics:

(a) International criminal justice education for the rule of law;

(b) Survey of United Nations and other best practices in the treatment of prisoners in the criminal justice system;

(c) Practical approaches to preventing urban crime;

(d) Links between drug trafficking and other forms of organized crime: international coordinated response;

(e) Strategies and best practices against overcrowding in correctional facilities.

15. For its consideration of those items, the Congress had before it the relevant background documents (A/CONF.213/12, A/CONF.213/13, A/CONF.213/14, A/CONF.213/15 and A/CONF.213/16), as well as the discussion guide prepared by the Secretariat and the reports of the regional preparatory meetings. The conclusions and recommendations of the workshops are contained in the report on the Congress (A/CONF.213/18, chap. VI).

16. In addition, 82 ancillary meetings were held during the Congress covering a variety of topics. Of the ancillary meetings, 18 were sponsored by United Nations entities; 10 were sponsored by institutes of the United Nations crime prevention and criminal justice programme network; 8 were sponsored by the Government of Brazil and Brazilian non-governmental organizations; and several were co-sponsored by Member States. The ancillary meetings as a whole indicated a high interest by civil society in crime prevention and criminal justice issues, as well as the significant potential for its greater and more coordinated involvement in designing comprehensive and inter-disciplinary approaches to crime-related challenges.

17. In line with General Assembly resolution 64/180 and in order to facilitate the preparation of the draft declaration, informal consultations were held in Vienna on 11 December 2009, from 9 to 12 February 2010, on 15 February 2010, and from 22 to 24 March 2010 under the leadership of Julio Cezar Zelner Gonçalves, Permanent Representative and Ambassador of Brazil to the United Nations (Vienna). The draft declaration used as a working document during those consultations was based on the content of the discussion guide, the reports of the four regional preparatory meetings for the Congress (including the recommendations contained in the reports), the working papers on the substantive items of the provisional agenda for the Twelfth Congress and the background papers on the topics of its five workshops. The version of the draft declaration that resulted from the consultations was made available online in March 2010. After it had been processed and translated so that it was available in the six official languages of the United Nations, it was used as the basis of negotiations at the Twelfth Congress.

18. In accordance with paragraph 2 (h) of General Assembly resolution 56/119, the Twelfth Congress adopted at its closing meeting on 19 April 2010 the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and their Development in a Changing World, as orally amended (A/CONF.213/18, chap. I, resolution 1). The Salvador Declaration reflects the political will of the international community to define common strategies in addressing sensitive aspects and emerging challenges in the field of crime prevention and criminal justice. Some of the most important issues dealt with in that declaration, included the following:

(a) Further work required on action against cybercrime through the establishment of an open-ended intergovernmental expert group (para. 42);

(b) The need to better protect the rights of prisoners and the conclusion reached that consideration of a draft convention on the treatment of prisoners was still premature, although the Commission was invited to consider convening an open-ended intergovernmental expert group to exchange information on the possible revision of the United Nations standard minimum rules for the treatment of prisoners (para. 49);

(c) The recognition of the need to adopt measures on the challenge posed by emerging forms of crime that have a significant impact on the environment (para. 14);

(d) The need to respond effectively to cases of violence against migrants, migrant workers and their families (para. 38);

(e) The recognition of the central role of the UNODC in helping Member States upgrade their capacity to prevent and suppress various types of crime through technical assistance, as well as the emphasis on the serious need to provide UNODC with the resources that would enable it to perform its functions in a more effective manner; and the appeal to Member States to fully implement the technical assistance provisions of the United Nations Convention against Transnational Organized Crime[2] and the Convention against Corruption, including by giving special consideration to contributing, in accordance with their national law and the provisions of those Conventions, a percentage of the proceeds of crime confiscated under each Convention to fund technical assistance through UNODC (para. 25).

19. Pursuant to rule 52 of its rules of procedure, the Twelfth Congress adopted a report containing the Salvador Declaration, the conclusions and recommendations of the Congress on the various substantive items of its agenda and the outcome of the workshops, as well as a brief account of the events leading up to the Congress, the proceedings, including a summary of the substantive work conducted by the plenary and the committees, a summary of the proceedings of the high-level segment and an account of the action taken.

20. In its resolution 64/180, the General Assembly requested the Commission to give high priority, at its nineteenth session, to considering the conclusions and recommendations of the Twelfth Congress, with a view to recommending, through the Economic and Social Council, appropriate follow-up by the Assembly at its sixty-fifth session. Accordingly, the relevant discussions of the Commission were

[2] United Nations, *Treaty Series*, vol. 2225, No. 39574.

focused on possible ways and means of translating into practice the political content of the Salvador Declaration. Speakers also discussed possible avenues to improve the preparation and organization of future Congresses, including further discussion on the relation between the Congress and the Commission in light of their different constituencies. Some speakers raised issues such as the determination of topics for consideration and the organization of work, and advocated that the agenda items could be structured differently to allow for more focused and interactive discussions. Enhancing the role of the high-level segment to optimize the participation of high-level officials and the process of drafting the outcome declaration were also underlined. It was recommended that preparations for the next congress should be undertaken at least a year earlier than current practice to ensure an optimal outcome.

21. Pursuant to General Assembly resolution 64/180, the Commission recommended that the Economic and Social Council approve for adoption by the Assembly a draft resolution entitled "Twelfth United Nations Congress on Crime Prevention and Criminal Justice",[3] in which the Assembly would endorse the Salvador Declaration adopted by the Twelfth Congress; invite Governments to take into consideration the Declaration and the recommendations adopted by the Congress when formulating legislation and policy directives and to make all efforts, where appropriate, to implement the principles contained therein; and invite Member States to identify areas where further tools and training manuals based on international standards and best practices would be needed. Should it adopt the draft resolution, the Assembly would request the Secretary-General to seek proposals by Member States for ways and means of ensuring appropriate follow-up to the Declaration for consideration and action by the Commission at its twentieth session. The Assembly would welcome the prompt consideration and action by the Commission on a number of issues contained in the Declaration, including those addressed in separate resolutions considered and approved by the Commission at its nineteenth session, such as violence against migrants, migrant workers and their families (para. 38 of the Declaration), emerging forms of crime that have a significant impact on the environment (para. 14 of the Declaration) and international cooperation in criminal matters (para. 21 of the Declaration).

22. The Assembly would request the Commission to establish, in line with paragraph 42 of the Salvador Declaration, an open-ended intergovernmental expert group, to be convened prior to the twentieth session of the Commission, to conduct a comprehensive study of the problem of cybercrime and responses to it by Member States, the international community and the private sector, including the exchange of information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing and to propose new national and international legal or other responses to cybercrime. The Assembly would also request the Commission to establish, in line with paragraph 49 of the Salvador Declaration, an open-ended intergovernmental expert group, to be convened between the twentieth and twenty-first sessions of the Commission, to exchange information on best practices, as well as national legislation and existing international law, and on the revision of existing United

[3] *Official Records of the Economic and Social Council, 2010, Supplement No. 10* (E/2010/30), chap. I, sect. A.

Nations standard minimum rules for the treatment of prisoners so that they reflect recent advances in correctional science and best practices, with a view to making recommendations to the Commission on possible next steps. In that regard, the Assembly would request the open-ended intergovernmental expert groups mentioned above to report to the Commission on progress in their work.

23. In that same draft resolution, the General Assembly would request UNODC, in the development and implementation of its technical assistance programmes, to aim for sustainable and long-lasting results in the prevention, prosecution and punishment of crime, in particular by building, modernizing and strengthening criminal justice systems, as well as promoting the rule of law, and to design such programmes to achieve those aims for all components of the criminal justice system, in an integrated way and with a long-term perspective, increasing the capacity of requesting States to prevent and suppress the various types of crime affecting society, including organized crime and cybercrime; and to continue to provide technical assistance to facilitate the ratification and implementation of the Organized Crime Convention, the Convention against Corruption and the international instruments related to the prevention and suppression of terrorism. In addition, the Assembly would request the Commission to consider at its twentieth session options to improve the efficiency of the process of the United Nations congresses on crime prevention and criminal justice, taking into account the recommendations made by the Intergovernmental Group of Experts on Lessons Learned from United Nations Congresses on Crime Prevention and Criminal Justice, at its meeting held in Bangkok from 15 to 18 August 2006.[4] The Assembly would welcome with appreciation the offer of the Government of Qatar to act as host of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, in 2015.

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[4] E/CN.15/2007/6.